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1894. $4-2 Vol.

Henry Beaufort born at Beaufort Castle Anjou, died in Winchester Eng. 1447 An English prelate and statesman, natural son of John of Gaunt by Catharine Swynford and half brother of Henry IV. He became Cardinal. He sentenced Joan of Arc.

Joanna dau. of John Beaufort brother of Cardinal His shield denotes illegitimacy - Joan married Jas I. but she is sometimes called Jane though she had a sister Jane.

Jas I was the greatest Stuart - he married
Joan Beaufort of England - his son
Jas II married Mary of Guelders - his son
Jas III married Margaret of Denmark - son
Jas. IV married Margaret Tudor - their son
Jas. V married Magdalene of France & Mary of Guise
who was mother of Mary Stuart who
married Darnley & was mother of Jas I or
Jas I was killed in a cellar by Graham Jas VI
Jas II killed by explosion of Cannon Roxburgh
Jas III
Jas. IV died on Flodden Field

HISTORY OF SCOTLAND.

Jas V.

2nd

1—

MORRISON AND GIBB, EDINBURGH,
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THE

HISTORY OF SCOTLAND

FROM THE

ACCESSION OF ALEXANDER III. TO THE UNION

BY

PATRICK FRASER TYTLER,

F.R.S.E. & F.A.S.

IN FOUR VOLUMES.

VOL I.

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PREFACE.

I HAVE commenced the HISTORY OF SCOTLAND at the accession of Alexander the Third, because it is at this period that our national annals become particularly interesting to the general reader. During the reign of this monarch, England first began to entertain serious thoughts of the reduction of her sister country. The dark cloud of misfortune which gathered over Scotland immediately after the death of Alexander, suggested to Edward the First his schemes of ambition and conquest; and perhaps, in the history of Liberty, there is no more memorable war than that which took its rise under Wallace in 1297, and terminated in the final establishment of Scottish independence by Robert Bruce in 1328.

In the composition of the present work, I have anxiously endeavoured to examine the most authentic sources of information, and to convey to my reader a true picture of the times without prepossession or partiality. To have done so, partakes more of the nature of a grave duty than of a merit; and even after this has been accomplished, there will remain ample room for many imperfections. If, in the execution of my plan, I have been obliged to differ on some points of importance from authors of established celebrity, I have fully stated the grounds of my opinion in the Notes and Illustrations, which are printed at the end of each volume; and I trust that I shall not be blamed for the freedom of my remarks, until the historical authorities upon which they are founded have been examined and compared.

EDINBURGH, *April* 12, 1828.

NOTE TO THE SECOND EDITION.

THIS Second Edition has been carefully corrected; the authorities have been re-examined; the quotations and references compared and tested by the originals; and the author has now only to add an expression of his gratitude for the kind spirit with which an arduous attempt, to build the HISTORY OF SCOTLAND upon unquestionable muniments, has been received.

LONDON, *March* 23, 1841.

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BIOGRAPHICAL SKETCH

OF

PATRICK FRASER TYTLER.

THE lives of literary men do not ordinarily present to us the stirring events by which those of eminent statesmen and warriors are distinguished. Their biographies consist generally of little more than an account of their works; still, the importance attributed by posterity to their labours adds an interest to the circumstances in which it may have been their lot to be cast.

Amongst the many eminent men to whom Scotland is indebted for the honourable place which she holds in the literature of Europe, there are few to whom she owes more than to the Tytlers of Woodhouselee. This family, long settled in the neighbourhood of Edinburgh, produced in succession William Tytler, Alexander Fraser Tytler afterwards Lord Woodhouselee, and Patrick Fraser Tytler, who, by the interest and value of their writings—extending over nearly a century—have done honour to themselves, and have contributed in no small degree to elucidate the history of their country.

The first of the family distinguished by his devotion to literature was William Tytler, (the grandfather of the subject of this Memoir,) who was born in Edinburgh on the 12th of October 1711. He was the son of Alexander Tytler, a Writer to the Signet in that city, who enjoyed the highest reputation for the probity and excel-

lence of his private character. Like his father, William Tytler studied law, and became a Writer to the Signet in 1744. But although carrying on a legal business of considerable extent, he found leisure to indulge his taste for literary composition, and obtained considerable fame by publishing, in 1759, his well-known vindication of Mary Queen of Scots. This work, entitled, "An Inquiry, Historical and Critical, into the Evidence against Mary Queen of Scots, and an Examination of the Histories of Dr Robertson and Mr Hume with respect to that Evidence," was so favourably received by the public as to pass through four editions. In it Tytler sought to vindicate the memory of the unfortunate Queen, by bringing forward many circumstantial proofs that she was innocent of a complicity in the death of her husband Darnley, and attempting to shew that the letters alleged to have been written by her to the Earl of Bothwell were spurious.

This Vindication received the commendations of Samuel Johnson, Smollett, and other eminent literary men, who acknowledged the author's ingenuity, although they did not agree with the conclusion at which he arrived.

In addition to this remarkable publication, Tytler made several other interesting contributions to Scottish literature, among which may be noticed, "The Poetical Remains of James I., King of Scotland, with a Dissertation on the Life and Writings of that Monarch."

After spending a long life in the tranquil enjoyment of literary ease, Tytler died at the family seat of Woodhouselee on Sept. 12, 1792, in the eighty-first year of his age. A high sense of honour, an uncorrupted integrity, a manly opposition to every kind of depravity or vice, were the distinguishing features of his character; and he died without leaving an enemy or detractor in the world.

Alexander Fraser Tytler, his eldest son, better known, perhaps, by his judicial title of Lord Woodhouselee, was born at Edinburgh on the 4th October 1747. He was educated first at the High School of that city, and afterwards at a private school in the neighbourhood of London. When he had reached the age of seventeen he

entered the University of Edinburgh, and, having passed through the course of education preparatory to a legal life, was called to the bar in the year 1770, when he was in his twenty-third year. He married, in 1776, Anne Fraser, eldest daughter of Mr William Fraser of Belnain, Writer to the Signet, by whom he had a family of eight children, of whom Patrick, the future historian of Scotland, was the youngest.

In 1780 he was appointed Professor of Universal History in the University of Edinburgh, and discharged the duties of the chair with great ability and success. As Professor of History he published, in 1782, his well-known "Elements of General History,"—a work the merits of which have been generally recognised, and which is still a standard class-book on the subject.

He published anonymously, in 1790, an "Essay on the Principles of Translation." This treatise speedily obtained a great reputation, and deserves to be regarded as one of the best introductions to criticism in the English language.

In the same year he was appointed, through the interest of Lord Melville, Judge-Advocate of Scotland; and, about nine years afterwards, was raised to the Bench under the title of Lord Woodhouselee.

Besides the works already mentioned, and several smaller productions, Lord Woodhouselee published an elegantly written memoir of Henry Home, Lord Kames, which contains notices of many of the literary Scotsmen of the last century. He died on the 5th January 1813, in the sixty-sixth year of his age.

Patrick Fraser Tytler, the fourth son and youngest child of Lord Woodhouslee, was born at Edinburgh on the 30th of August 1791. He was educated at the High School there, under Mr (afterwards Professor) Christison and Dr Adam of that seminary. These gentlemen were distinguished for their success as teachers, and under their care a large number of pupils, who afterwards filled eminent positions in life, received the elements of a liberal education. As a boy, Tytler gave little promise of that devotion to literary pursuits by which he was to be afterwards distinguished. He was, however, beloved by his schoolfellows for the generous nature of his disposi-

tion, and for his spirited and manly character. His father early remarked the ability which lay under his apparent carelessness and inattention. "You do not understand the boy," he would say. "I tell you he is a wonderful boy. Look at the eager expression of his countenance when listening to conversation far above his years; he is drinking in every word. You tell me he never opens an improving book; that it must always be an amusing story for him. I am much mistaken if he does not read grave enough books by and by."

Tytler was fortunate in having as his tutor a young man who afterwards earned some reputation by his writings—the Rev. John Black, minister of the parish of Coylton, in Ayrshire, and author of an elegant "Life of Tasso." Under the care of this accomplished guide Tytler made rapid progress, and acquired that taste for reading which he afterwards turned to so good an account. At a somewhat later period he enjoyed the assistance in his studies of another gentleman afterwards highly distinguished—the Rev. John Lee—who, after filling several important academical offices, died Principal of the University of Edinburgh.

In his youth Tytler had also the great advantage of participating in the literary society which his father gathered around him. He may, indeed, be said to have breathed a literary atmosphere from his boyhood. Henry Mackenzie, (the "Man of Feeling,") Scott, Sydney Smith, Mackintosh, and Jeffrey, were his father's frequent guests; and young Tytler had the privilege of listening to the brilliant conversation of these eminent men.

Intending that his son should enter the profession of the law, Lord Woodhouselee resolved that, before beginning his legal studies, he should spend a year at an academical institution in England. Accordingly, Tytler was sent to Chobham House School, and placed under the care of the Rev. Charles Jerram, a gentleman of great worth. Under this excellent master he made much progress, particularly in the art of writing Latin verses, and in the study of the Greek poets. At the same time he did not neglect his general reading; and when he returned to Edinburgh, he brought with him

an increased taste for that polite literature which was the delight of his future life.

The following extract of a letter, which he wrote after his return from Chobham to his brother Alexander, is interesting as shewing the early period at which his love for the study of history developed itself. It is dated June 14, 1810:—"I now come to give you some idea of my studies. When I first went to England, from having always lived in a literary family, where Mr Black and papa were continually talking upon learned subjects, as well as having read a few books, I had picked up more general knowledge than is commonly to be found amongst the boys at an English school. This made me in some degree looked up to, and balanced my deficiency in classical knowledge. To this last I applied tooth and nail; reading by myself, and often getting up in the winter mornings to study by candle-light. At last I began to understand and like Greek, and to make some progress in Latin versification. My vein improved amazingly at Chobham. The study of Virgil and Horace, of Milton and Thomson, was to me truly delightful. I often gave exercises in English verse; and Mr Jerram was sometimes pleased to express his approbation, and to ask for a copy of them. But I acquired a high relish for another noble branch of literature, and which I am at present pursuing with the greatest pleasure. I mean *history*. I there read Robertson's admirable History of Charles V., and wrote short notes upon it. Since that I have been reading Machiavel's History of Florence, Watson's Philip II., Gibbon's Decline and Fall, Clarendon's noble work on the Rebellion, Sully's Memoirs, Clarendon's Life, Voltaire's Charles XII., Papa's Elements, Chevalier Ramsay's Life of Turenne, Junius's Letters, the Life of Lord Chatham; and I am now engaged with Hume, and Rapin's Acta Regia. What do you think of history, my dear Sandie? To me it seems the noblest of all studies. To say that it is entertaining is its least praise. It is the school of statesmen and warriors; and the pleasure, next to living in the times, and being a witness to the actions of these, is that of reading their lives and actions."*

* Burgen's Memoir, p. 65.

About the close of the year 1809 Tytler entered the University of Edinburgh, and began with enthusiasm the study of law. But while he was working hard, along with his young friend Archibald (now Sir Archibald) Alison, at the Institutes of Heineccius, his favourite studies were not forgotten. At the request of his father, he wrote, in 1810, a poem, which he entitled, "The Woodhouselee Masque," and which was allowed by competent judges to be a most graceful performance. This, and other unpublished poems, and also the elegant poetical translations which exist in some of his minor works, display a genius for poetry which, had it been cultivated, would have entitled him to rank amongst the poets of his country.

Tytler was called to the Scottish Bar on the 3d of July 1813; shortly after which he had to mourn the loss of his excellent father, Lord Woodhouselee, who had long suffered from a painful disease.

In the beginning of 1814, Tytler embraced the opportunity, which the peace of that year afforded, to visit France, in company with William and Archibald Alison, and Mr D. Anderson of Moredun. This tour lasted from April to June, and afforded the most lively gratification to the young tourists. They had the honour of being presented, while in Paris, to many distinguished men, including the great Platoff, and enjoyed the sight of innumerable celebrities. A record of this tour is preserved in an anonymous work, in two volumes, entitled, "Travels in France during the Years 1814–15, comprising a Residence at Paris during the stay of the Allied Armies, and at Aix at the period of the Landing of Bonaparte." It was understood to be the production of Mr Archibald Alison, and contained certain chapters which Tytler contributed.

Through the influence of Alexander Maconochie, Esq., afterwards Lord Meadowbank, then Lord-Advocate, Tytler was appointed, when he had only been three years at the bar, a Junior Crown Counsel in Exchequer—an office worth £150 per annum. He also made some progress as a pleader at the bar. But literature and historical inquiry, although not engrossing all his attention, still

occupied his leisure hours, and induced him to contribute various papers to literary journals.

During the years 1817 and 1818, he wrote several articles for *Blackwood's Magazine*, then in its infancy. These were, "Remarks on Lacunar Strevilinense;" an address "To my Dog;" and a fanciful fragment, under the title of "A Literary Romance."

The fatigues of his professional and other duties rendered him desirous of making a fresh tour for the benefit of his health; and he visited Norway in 1818, in company with Mr D. Anderson of Moredun. While on their tour they happened to be at Drontheim, when Bernadotte, after being crowned King of Sweden, made his entry, with his son Prince Oscar, into that city. The young Scotsmen had the honour of being presented to the king, by whom they were graciously received, and invited to dine with his Majesty.

The first separate work which Tytler published was his "Life of James Crichton of Cluny, commonly called the Admirable Crichton." It appeared in 1819, and was dedicated to the memory of his father, Lord Woodhouselee.

In this interesting memoir Tytler brought together the various materials bearing on the life and exploits of this extraordinary personage, whose remarkable attainments made Scotland celebrated throughout Europe in the sixteenth century. By a careful examination of the contemporary literature of the period in which Crichton flourished, Tytler successfully refuted the attempts which had been made by several authors to discredit the evidence on which his fame had so long rested.

Tytler's fondness for antiquarian research is nowhere more apparent than in this biography, which may be said to have left little to be gleaned by subsequent inquirers. The work was well received by the public; and a second edition was called for in 1823.

In 1822 was founded the Bannatyne Club, of which Tytler was one of the original members. This literary society, founded on the model of the Roxburghe Club, was formed by Sir W. Scott, Thomas Thomson, David Laing, and some other enthusiastic Scottish antiquaries.

It existed until 1860 ; and, during that long period, issued to its members a series of works which have been described as forming the greatest, the most important, and the most splendid disclosures that have been made of the latent historical treasures of Scotland.

Following the example of the Roxburghe Club, the members of the Bannatyne celebrated the anniversary of their institution by an elegant symposium. At these banquets original compositions were sung by such of the members as were of a poetical temperament. Their songs, or "garlands," as they were termed, were afterwards printed in a sumptuous style for the use of the members. Sir W. Scott produced the first, "Quhairin the President speaketh," and was followed by Tytler, who contributed three songs, which were quaintly described as having been "Brevit be ane lernit Councillar in the Kingis Chekar," and which displayed a considerable amount of humour and poetical ability.

In addition to the volumes printed at the expense of the Club generally, it was, if not a condition of membership, at least expected that a volume should be printed by each of the members, and presented to the rest. Tytler, accordingly, in conjunction with his friends Mr Hog of Newliston and Mr Adam Urquhart, contributed a volume of "Memoirs of the Wars carried on in Scotland and Ireland, 1689–91, by Major-General Hugh Mackay." This curious volume was printed in 1833.

Tytler's attention was at this time nearly equally divided between law and literature, and, as it has commonly been supposed that a literary man could not be a good lawyer, it seemed necessary that he should make his election between them, for success in his future career. But a compromise suited him better, and so he published, in 1823, "An Account of the Life and Works of Sir T. Craig of Riccarton," the author of a celebrated treatise on the Feudal Law of Scotland. Craig had been a man of studious and retired habits, and mixed but little in the factions and intrigues of his time. Tytler, while recording the facts in the uneventful life of the great lawyer, gave an interest to the work by incorporating many notices of the

eminent statesmen who were his contemporaries during the period between 1538 and 1608. This work was well received by the members of the legal faculty; but, while it served to maintain its author's literary reputation, it failed to increase his practice at the bar.

Tytler's agreeable manners and joyous temperament made him a prominent member of the Midlothian troop of Yeomanry Cavalry, which numbered then, as it does still, many young men of rank connected with the Scottish metropolis. An incident which occurred in 1824 was the cause of much merriment amongst the troop, and called forth several of those amusing lyrical effusions in which Tytler so much excelled. "He had planned a quiet afternoon with his brother, under the paternal roof of Woodhouselee, and, with that view, had stolen away from his companions and the prospect of duty on the Portobello sands. But he was quickly missed at head-quarters; his intended line of march anticipated; and a corporal's troop, with a led horse, and a mock warrant for seizure, were despatched to apprehend and bring back the deserter. Tytler, the instant he espied the approach of this band, escaped by a back door, and took shelter in the glen above Woodhouselee. He remained there until he thought the danger must be over, and then ventured to return to the house; but ill had he calculated on the sharpness of the lawyer-soldiers of the Lothian Yeomanry. He was captured at the very threshold by the ambush which awaited his return, deprived of his arms, mounted on the led horse, and carried off in triumph to the military encampment at Musselburgh. The entire pantomime so touched his fancy, that he turned the incident into a song that same evening, and sang it the next day, (to the air of 'The Groves of Blarney,') at the mess table, amid the applause and laughter of his delighted companions. He confessed how 'Private Tytler, forgetting quite, sir,' the heinousness of desertion,— and in defiance of

> 'That truth, the soul of discipline,—
> Most undutifully, in the month of **July,**
> Set out for Woodhouselee to dine.'

The enemy's approach, and his own retreat to the glen he graphically described, as well as the exceeding discomfort to which he had been subjected as he

'Shrouded sat beneath the pine.'"*

This song, called "The Deserter," and several others, were privately printed, in 1825, as "The Songs of the Edinburgh Troop."

Tytler and his yeomanry troop did good service on occasion of a great fire which happened in Edinburgh at that time. They were on duty for the purpose of guarding the effects which the inhabitants were endeavouring to save from the conflagration. And to a happy suggestion of Tytler the preservation of the Advocates' Library from the flames may be said to be due. He suggested that the roof of the building in which the books were contained should be covered with wet blankets, and personally assisted in having this work done. The expedient was fortunately effectual, and that noble collection of books was saved.

From his intimacy with Sir Walter Scott, whose antiquarian tastes and literary labours led him to inquire minutely into almost every circumstance connected with Scottish history, Tytler derived much advantage. It was the advice of this great man that he should concentrate his energies on a historical work, which would supply a desideratum in Scottish literature. Scott possessed, in an eminent degree, the talent for imbuing his circle of friends with the same enthusiasm for literary enterprises which was characteristic of his own nature. He found in Tytler one of congenial sympathies; and while his friend was on a visit to Abbotsford, in 1823, he had seriously urged him to undertake the task of writing a history of Scotland.

No one would have been so competent for such an enterprise as Sir Walter himself; but the multifarious nature of his other literary pursuits deprived him of the leisure necessary for the great amount of preliminary research which such a work involves. The subject was one, however, in which he was deeply interested; and as he at

* Burgon's Memoir, p. 166.

one time cherished the hope that an opportunity might occur when he might be enabled to devote his own energies to its treatment, he had collected various anecdotes from Scottish history for the purpose. These he afterwards published as the "Tales of a Grandfather," one of his most popular works.

The following interesting account of the circumstances to which we owe Tytler's invaluable work, is given in a letter written by Mr Pringle of Whytbank to Mr James Tytler in 1854. The historian had been on a visit to Mr Pringle at Yair, and, accompanied by that gentleman, had spent a most agreeable day at Abbotsford :—"While we were riding home at night," continues Mr Pringle,—"I remember the place; it was just after we had forded the Tweed at Birdside,—your brother told me, that in the course of that evening Sir Walter Scott had taken him aside, and suggested to him the scheme of writing a history of Scotland. Sir Walter stated that, some years before, the booksellers had urged him to undertake such a work, and that he had at one time seriously contemplated it. The subject was very congenial to his tastes; and he thought that by interspersing the narrative with romantic anecdotes illustrative of the manners of his countrymen, he could render such a work popular. But he soon found, while engaged in preparing his materials, that something more was wanted than a popular romance,—that a right history of Scotland was yet to be written; but that there were ample materials for it in the national records, in collections of documents both private and public, and in Scottish authors whose works had become rare or were seldom perused. The research, however, which would be required for bringing to light, arranging and digesting these materials, he soon saw would be far more than he had it in his power to give to the subject; and it would be a work of tedious and patient labour, which must be pursued not in Scotland only, but amongst the national collections of records in London, and wherever else such documents may have been preserved. But such a labour his official duties and other avocations would not allow him to bestow upon it. He had, there-

fore, ended in a resolution to confine his undertaking to a collection of historical anecdotes for the amusement of the rising generation, calculated to impress upon their memories the worthy deeds of Scottish heroes, and inspire them with sentiments of nationality. He also mentioned that the article on the Culloden Papers, published in the *Quarterly Review* for 1816, which I have always considered as one of the most attractive as well as characteristic of all his writings, had been originally conceived in the form of a portion of an introductory essay to the contemplated historical work, which was now likely to go no further.

"He then proposed to your brother to enter on the undertaking, and remarked to him, that he knew his tastes and favourite pursuits lay so strongly in the line of history, and the history of his native country must have such peculiar interest for him, that the labour could not fail to be congenial to him; that though the requisite researches would consume a great deal of time and thought, he had the advantage of youth on his side, and might live to complete the work, which, if executed under a deep sense of the importance of historical truth, would confer a lasting benefit on his country; and he ended with offering all the aid in his power for obtaining access to the repositories of information, as well as advice in pursuing the necessary investigations.

"I asked my friend if the suggestion pleased him? He replied, that the undertaking appeared very formidable; that I knew he had always been fond of historical pursuits, and though he confessed he had frequently cherished an ambition for becoming an historical author, yet it had never entered into his mind to attempt a history of his own country, as he knew too well the difficulties which he would have to encounter, especially those of attaining accuracy, and realising his own conception of what a history of Scotland ought to be; but that the suggestion, coming from such a quarter, as well as the offered assistance, was not to be disregarded. You may be sure that I encouraged him to the best of my power; for though I knew how much it was likely to withdraw his attention from his

professional avocations, yet I also knew how much more congenial a pursuit it would prove, and how much more he was likely to attain to excellence, and establish his reputation in this channel. It was, therefore, with much satisfaction that I soon afterwards learned from him that he had entered seriously on the undertaking."*

Before the first two volumes of the "History of Scotland" made their appearance, Tytler communicated an elegant paper to the Royal Society of Edinburgh, which was published in its *Transactions* in 1826. It is entitled, "An Historical and Critical Introduction to an Inquiry into the Revival of the Greek Literature in Italy after the Dark Ages."

In March 1826 Tytler was married to Rachel, daughter of Thomas Hog, Esq., of Newliston,—a lady to whom he had been long attached. This union afforded him unmixed happiness, which was only terminated by the early death of his wife in 1835. After his marriage, Tytler established himself in 36 Melville Street, Edinburgh, where he began the preparation of his History. He also published, anonymously, at this time, a life of John Wycliff, the precursor of the English Reformation.

After his marriage, Tytler entered upon his historical labours with the utmost enthusiasm. As the result of two years of unremitting exertion, the first volume appeared in March 1828, and was followed by the second in 1829. These volumes were favourably received, and were reviewed by Sir Walter Scott in an able article in the *Quarterly* for 1829. Sir Walter concluded his characteristic paper by referring to the laborious task thus begun, and wishing the author God speed—

> "For long, though pleasing, is the way,
> And life, alas! allows but an ill winter's day."

He also expressed the hope that Tytler, young, ardent, and competent to the task, would not delay to prosecute it with the same spirit which he had already displayed.

Tytler appears at first to have had some difficulty in obtaining a

* Burgon's Memoir, p. 175.

suitable publisher for his History, and had calculated on but a moderate success for this first instalment of his great work. He was agreeably disappointed when the sale of the first edition of these two volumes exceeded one thousand copies. A fair success attended the publication of the other volumes, which appeared successively in 1831, 1834, 1837, 1840, 1842, and 1843.

In the further prosecution of his labours, Tytler visited London in 1830, to consult the manuscripts in the State Paper Office and in the British Museum. While in London he endeavoured to secure the succession to the office of Historiographer for Scotland, when it should become vacant. This appointment was then held by the venerable Dr Gillies, who was in the eighty-third year of his age. Tytler was warmly received by many of the first literary men of the metropolis, and was engaged by Mr Murray to write a collection of biographies of illustrious Scotsmen, for a series of popular works then projected by that eminent publisher.

This very interesting work accordingly appeared as "Lives of Scottish Worthies," in 1831–33. It contained notices of the following twelve Scottish celebrities:—Alexander III., Michael Scott the wizard of Scotland, Wallace, Bruce, Barbour, Wyntoun, Fordun, James I., Henryson, Dunbar, Gawin Douglas, and Sir David Lyndsay.

In consequence of a change of ministry, Tytler lost his Exchequer appointment in 1830, which rendered him more dependent on his literary exertions. The failing health of his wife shortly afterwards induced him, as he was no longer necessitated to reside in Edinburgh, to try the effect of a change to a southern climate. He removed his family accordingly to Torquay, where they resided for a year. He also spent some time at Rothesay in Bute.

Notwithstanding the interruptions caused by his changes of residence about this time, occasioned by the most ardent attachment to his amiable and accomplished wife, Tytler found leisure to write a "Life of Sir Walter Raleigh," and a "Historical View of the Progress of Discovery in America." These works formed part of a series issued by Messrs Oliver and Boyd, under the title of "The

Edinburgh Cabinet Library," and were very popular. Of his Life of Raleigh new editions were called for in 1840, 1844, 1846, and 1847.

From his fondness for research among the national archives, and his familiarity with the contents of the State Paper Office in London, Tytler was, in 1834, desirous of obtaining a permanent appointment of a congenial nature. As the keepership of the records in the Chapter House of Westminster (to which a salary of £400 a year was attached) was then vacant, Tytler became a candidate for that appointment. He was, however, unsuccessful, and the office was bestowed on Sir Francis Palgrave.

In the following year, he suffered a severe blow to his domestic happiness through the death of his wife, which he bore with Christian resignation. By religious meditation, and by attention to the education of his youthful family, he strove to comfort himself under this painful bereavement.

He was destined to experience a great disappointment in 1836. On the death of Dr Gillies, who survived till he was in his eighty-ninth year, Tytler fully expected the appointment of Historiographer for Scotland. A promise had actually been made to his father, Lord Woodhouselee, that he should have this honour conferred on him; but, by an unlooked-for change of ministry, the office was otherwise disposed of. It was bestowed on George Brodie, Esq., Advocate.

From his familiarity with the national archives, Tytler was, in 1836, examined, by a committee of the House of Commons as to the best plan for rendering these documents available to historical inquirers. His evidence tended to shew the folly of attempting to print *in extenso* the whole of these ancient records. He suggested, however, the propriety of publishing lists or calendars of these papers, which should, at the same time, embrace a short analysis of their contents. This valuable suggestion, after the lapse of twenty years, has been adopted, and the collection of "Calendars of State Papers," now in course of publication, will, when completed, be an absolutely essential aid to those engaged in historical inquiries.

Besides a volume of his "History of Scotland," Tytler published,

in 1837, his "Life of Henry VIII.," which, like his "Life of Raleigh," formed a volume of Oliver and Boyd's "Edinburgh Cabinet Library." It passed through several editions. He also, about this time, in conjunction with Mr John Miller, Q.C., and the Rev. Joseph Stevenson, instituted the English Historical Society. As the Bannatyne Club illustrated Scottish history, this society was originated for the purpose of publishing early chronicles and documents of interest to the student of the literature of England. It flourished for nearly twenty years, and printed for the use of its members a series of twenty-nine volumes, remarkable for the excellence of their typography, and for the care with which they were edited. The labours of Tytler in connexion with this society increased the debt this country owes to his unwearied exertions in the cause of historical research.

As the nature of his literary avocations required constant reference to the manuscript treasures contained in London, Tytler found it expedient to take up his abode in the metropolis; he accordingly removed finally to London in 1837.

Shortly after settling in his new residence in that city Tytler published, in 1839, a work in two volumes, entitled, "England under the reigns of Edward VI. and Mary, with the contemporary History of Europe, illustrated in a Series of Original Letters never before printed." This work contains 191 letters, written by the most distinguished persons of the period, from 1546 to 1558, with introductory remarks, biographical sketches, and useful historical notes. It may be regarded as an attempt to popularise the immense mass of manuscript literature contained in the State Paper Office and other repositories, as the obsolete spelling of the letters was modernised to render them intelligible to general readers. From the multifarious nature of the contents of these volumes, it is difficult to describe them. The work is, however, a favourable specimen of the manner in which a well-skilled antiquary may render generally attractive and interesting those ancient documents which, in their original form, would be seldom consulted.

The publication of the "History of Scotland" was brought to a

close in 1843 by the issue of the ninth and last volume, which Tytler concludes as follows:—"It is with feelings of gratitude, mingled with regret, that the author now closes this work—the history of his country—the labour of little less than eighteen years;—gratitude to the Giver of all good that life and health have been spared to complete, however imperfectly, an arduous undertaking; regret that the tranquil pleasures of historical investigation, the happy hours devoted to the pursuit of truth, are at an end, and that he must at last bid farewell to an old and dear companion."

Tytler has the merit of having executed his great work with much candour and impartiality. On every period of Scottish history which he has examined he has thrown fresh light; and he has given a clear and consistent narrative of events which, in many instances, had previously been the subject of the fiercest controversy. This work, whilst it displays an immense amount of antiquarian knowledge, is, at the same time, replete with elevated sentiments; and is written in that elegant style which might have been expected from its author's hereditary claims to literary distinction.

He begins his history with the accession of Alexander III., in 1242, and continues it to the union of the crowns of England and Scotland under James I., in 1603. The period which he thus assigned to himself is illustrated by reference to nearly every source of authentic information which the recent spirit of antiquarian research had placed at the disposal of the historical inquirer. The voluminous publications of the Record Commission, embracing the Acts of the Scottish Parliament, and the Rotuli Scotiæ, a work relating to the transactions between England and Scotland from 1290 to 1517; the accounts of the Great Chamberlain of Scotland from 1263 to 1435; and the publications of the Bannatyne Club, afforded, in addition to the original MSS. discovered by himself in the national archives, the authentic materials with the aid of which his work was prepared.

The history of Scotland, previous to the reign of Alexander, still remains an interesting field of research; and it may be doubted

HISTORY OF SCOTLAND

CHAPTER I.

ALEXANDER THE THIRD.

1249—1292.

ALEXANDER the Third had not completed his eighth year, when the death of the king, his father, on the 8th July 1249, opened to him the peaceable accession to the Scottish throne.[1] He was accordingly conducted by an assembly of the nobility to the Abbey of Scone, and there crowned.[2]

A long minority, at all times an unhappy event for a kingdom, was at this time especially unfortunate for Scotland. The vicinity of Henry the Third of England, who, although individually a weak monarch, allowed himself sometimes to be directed by able and powerful counsellors, and the divisions between the principal nobility of Scotland, facilitated the designs of ambition, and weakened the power of resistance; nor can it be doubted, that during the early part of this reign, the first approaches were made towards that great plan for the reduction of Scotland, which was afterwards attempted to be carried into effect by Edward the First, and defeated by the bravery of Wallace and Bruce. But in order to shew clearly the state of the kingdom upon the accession of this monarch, and more especially in its relations with England, it will be necessary to go back a few years, to recount a story of private revenge which happened in the conclusion of the reign of Alexander the Second, (1242,) and drew after it important consequences.

A tournament, the frequent amusement of this warlike age, was held near Haddington, on which occasion Walter Bisset, a powerful baron who piqued himself upon his skill in his weapons, was foiled by Patrick, earl of Athole.[3] An old feud which existed between these families embittered the defeat; and Athole was found mur-

[1] Winton, vol. i. p. 380, book vii. chap. x. Mathew Paris Hist. p. 770.

[2] Alexander the Third was son of Alexander the Second, by Mary, daughter of Ingelram de Couci. Imhoff. Regum Pariumque Magnæ Britt. Histor. Genealogica, part i. p. 42. The family of De Couci affected a royal pomp, and considered all titles as beneath their dignity. The *Cri de Guerre* of this Ingelram, or Enguerrand, was—

Je ne suis Roy, ni Prince aussi.
Je suis le Seigneur de Couci.

On account of his brave actions, possessions, and three marriages with ladies of royal and illustrious families, he was surnamed Le Grand.—Winton vol. ii., p. 482

[3] Henry, earl of Athole, had two daughters, Isobel and Fernelith. Isobel married Thomas of Galloway. Their only son was Patrick, earl of Athole. Fernelith married David de Hastings.—Hailes' Annals, vol. i. p. 157. Fordun a Goodal, vol. ii. p. 72. Math. Paris, p. 586.

dered in his house, which, probably for the purpose of concealment, was set on fire by the assassins. The suspicion of this slaughter, which, even in an age familiar with ferocity, seems to have excited unwonted horror, immediately fell upon the Bissets; and although Walter was the person present at the tournament, the popular clamour pointed to William, the chief of the family.[1] He was pursued by the nobility, who were incited to vengeance by the Earl of March and David de Hastings; and would have been torn to pieces, had not the interference of the king protected him from the fury of the friends of Athole. Bisset strenuously asserted his innocence. He offered to prove that he had been fifty miles distant from Haddington when the murder was committed; he instantly procured the sentence of excommunication against the assassins to be published in every chapel in Scotland; he offered combat to any man who dared abide the issue; but he declined a trial by jury on account of the inveterate malice of his enemies. The king accepted the office of judge: the Bissets were condemned, their estates forfeited to the crown, and they themselves compelled to swear upon the Holy Gospel that they would repair to Palestine, and there, for the remaining days of their lives, pray for the soul of the murdered earl.

Walter Bisset, however, instead of Jerusalem, sought the English court.[2] There, by artfully representing to the king that Alexander owed him fealty, and that, as lord superior, he ought to have been first consulted before judgment was given, whilst he described Scotland as the ally of France and the asylum of his expatriated rebels,[3] he contrived to inflame the passion of the English monarch to so high a pitch, that Henry determined on an immediate invasion. Nor was the temper with which Alexander received this information in any way calculated to promote conciliation. To the complaints of the King of England, that he had violated the duty which he owed to him as his Lord Paramount, the Scottish monarch is said to have answered, that he neither did, nor ever would, consent to hold from the King of England the smallest portion of his kingdom of Scotland. His reply was warmly seconded by the spirit of his nobility. They fortified the castles on the marches: and the king soon found himself at the head of an army of nearly a hundred thousand foot and a thousand horse. Henry, on the other hand, led into the field a large body of troops, with which he proceeded to Newcastle. The accoutrements and discipline of these two powerful hosts, which were commanded by kings, and included the flower of the nobility of both countries, are highly extolled by Mathew Paris.[4] The Scottish cavalry, according to his account, were a fine body of men, and well mounted, although their horses were neither of the Spanish nor Italian breed; and the horsemen were clothed in armour of iron network. In the number of its cavalry the English army far surpassed its rival force, including a power of five thousand men-at-arms, sumptuously accoutred. These armies came in sight of each other at a place in Northumberland called Ponteland; and the Scots prepared for battle, by confessing themselves to their priests, and expressing to each other their readiness to die in defence of the independence of their country. As Alexander,

[1] Lord Hailes remarks, vol. i. p. 157, that Fordun says the author of the conspiracy was Walter. Fordun, on the contrary, all along ascribes it, or rather says it was ascribed, to William Bisset.—Fordun a Goodal, vol. ii. pp. 72-74. The name of the Bisset banished from Scotland, as shewn in the Patent Rolls of Henry the Third, is Walter.

[2] Chronicon Melross a Stevenson. Bannatyne edition, p. 156.

[3] Math. Paris, pp. 643, 645. Speed's Chronicle, p. 527. Speed ascribes the disagreement between Henry and Alexander to the influence of Ingelram de Couci; and adds, that on the death of this nobleman, the *humour* of battle—this is Nym's phrase—ceased. De Couci, in passing a river on horseback, was unseated, dragged in the stirrup, run through the body with his own lance, and drowned.

[4] M. Paris, p. 645. Chron. Melross, p. 156. Rapin is in an error when he says, vol. i. p. 318, that Alexander sent Henry word, he meant no longer to do him homage for the lands he held in England.

however, was much beloved in England, the nobility of that country coldly seconded the rash enterprise of their king, and shewed no anxiety to hurry into hostilities. Richard, earl of Cornwall, brother to Henry, and the Archbishop of York, thought this a favourable moment for proposing an armistice; and, by their endeavours, such great and solemn preparations ended in a treaty of peace, without a lance being put in rest. Its terms were just, and favourable to both countries.[1]

Henry appears prudently to have waved all demand of homage from Alexander for the kingdom of Scotland; and the Scottish monarch, on the other hand, who possessed land in England for which, although the English historians assert the contrary, he does not appear to have ever refused homage, consented, for himself and his heirs, to maintain fidelity and affection to Henry and his heirs, as his liege lord, and not to enter into any league with the enemies of England, except in the case of unjust oppression. It was also stipulated, that the peace formerly signed at York, in the presence of Otto, the Pope's legate, should stand good; and that the proposal there made, of a marriage between the daughter of the King of England and the son of the King of Scots, should be carried into effect. Alan Durward, at this time the most accomplished knight and the best military leader in Scotland, Henry de Baliol, and David de Lindesay, with other knights and prelates, then swore on the soul of their lord the king, that the treaty should be kept inviolate by him and his heirs.[2]

Thus ended this expedition of Henry's into Scotland, formidable in its commencement, but happy and bloodless in its result;[3] and such was the relative situation of the two countries when Alexander the Third, yet a boy in his eighth year, mounted the Scottish throne.

The mode in which the ceremony of his coronation was performed, is strikingly illustrative of the manners of that age. The Bishops of St Andrews and Dunkeld, with the Abbot of Scone, attended to officiate; but an unexpected difficulty arose. Alan Durward, the great Justiciary, remarked that the king ought not to be crowned before he was knighted, and that the day fixed for the ceremony was unlucky. The objection was selfish, and arose from Durward, who was then at the head of the Scottish chivalry, expecting that the honour of knighting Alexander would fall upon himself.[4] But Comyn, earl of Menteith, insisted that there were frequent examples of the consecration of kings before the solemnity of their knighthood; he represented that the Bishop of St Andrews might perform both ceremonies; he cited the instance of William Rufus having been knighted by Lanfranc, archbishop of Canterbury; and he earnestly urged the danger of delay. Nor was this danger ideal. Henry the Third, in a letter to Rome, had artfully represented Scotland as a fief of England; and had requested the Pope to interdict the ceremony of the coronation until Alexander obtained the permission of his feudal superior.[5] Fortunately the patriotic arguments of the Earl of Menteith prevailed. The Bishop of St Andrews girded the king with the belt of knighthood, and explained to him the respective oaths which were to be taken by himself and his subjects, first in Latin, and afterwards in Norman French.[6] They then conducted the boy to the regal chair, or sacred stone of Scone, which stood before the cross in the eastern division of the chapel. Upon this he sat: the crown was placed on his head, the sceptre in his hand; he was invested with the royal mantle; and the

[1] Rymer, vol. i. pp. 374, 428. Rapin's Acta Regia, by Whately, vol. i. p. 28.

[2] The original charter granted to Henry by Alexander may be found in Mathew Paris, p. 646, and in Rymer, Fœd. vol. i. p. 428. See Illustrations, A. It is curious, as shewing the state of the Scottish peerage in 1244. Neither Lesley nor Buchanan take any notice of this expedition and treaty.

[3] Tyrrel, History of England, vol. ii. p. 930.

[4] Fordun a Hearne, p. 759.

[5] Hailes, vol. i. p. 162. Rymer, vol. i. p. 463.

[6] Fordun a Goodal, vol. ii. p. 81.

nobility, kneeling in homage, threw their robes beneath his feet. A Highland sennachy or bard, of great age, clothed in a scarlet mantle, with hair venerably white, then advanced from the crowd; and, bending before the throne, repeated, in his native tongue, the genealogy of the youthful monarch, deducing his descent from the fabulous Gathelus. It is difficult to believe that, even in those days of credulity, the nobility could digest the absurdities of this savage genealogist.[1]

Henry the Third, at this time influenced by the devotional spirit of the age, had resolved on an expedition to the Holy Land; and in order to secure tranquillity to his dominions on the side of Scotland, the marriage formerly agreed on, between his daughter Margaret and the young Scottish king, was solemnised at York on Christmas day with much splendour and dignity.[2] The guests at the bridal were the King and Queen of England; Mary de Couci, queen-dowager of Scotland, who had come from France, with a train worthy of her high rank;[3] the nobility, and the dignified clergy of both countries, and in their suite a numerous assemblage of vassals. A thousand knights, in robes of silk, attended the bride on the morn of her nuptials; and after some days spent in tournaments, feasting, and other circumstances of feudal revelry, the youthful couple, neither of whom had reached their eleventh year, set out for Scotland. "Were I," says Mathew Paris, in one of those bursts of monastic eloquence which diversify his annals, "to explain at length the abundance of the feasts, the variety and the frequent changes of the vestments, the delight and the plaudits occasioned by the jugglers, and the multitude of those who sat down to meat, my narrative would become hyperbolical, and might produce irony in the hearts of the absent. I shall only mention, that the archbishop, who, as the great prince of the North, shewed himself a most serene host to all comers, made a donation of six hundred oxen, which were all spent upon the first course; and from this circumstance, I leave you to form a parallel judgment of the rest."[4]

In the midst of these festivities, a circumstance of importance occurred. When Alexander performed homage for the lands which he held in England, Henry, relying upon the facility incident to his age, artfully proposed that he should also render fealty for his kingdom of Scotland. But the boy, either instructed beforehand, or animated with a spirit and wisdom above his years, replied, "That he had come into England upon a joyful and pacific errand, and that he would not treat upon so arduous a question without the advice of the states of his kingdom;" upon which the king dissembled his mortification, and the ceremony proceeded.[5]

Alan Durward, who, as High Justiciar, was the Scottish king's chief counsellor, had married the natural sister of Alexander; and, during the rejoicings at York, was accused, by Comyn, earl of Menteith, and William, earl of Mar, of a design against the crown. The ground on which this accusation rested, was an attempt of Durward, in which he was seconded by the Scottish chancellor,[6] to procure from the court of Rome the legitimation of his wife, in order, said his accusers, that his children should succeed to the crown, if the king happened to die without heirs. From the ambitious and intriguing character of

[1] Fordun a Goodal. vol. ii. pp. 80-82. Chron. Melross, p. 219. Lord Hailes has omitted the anecdote of the Highland sennachy; but there seems no reason to doubt its authenticity. It was probably relying on this story that Nisbet has asserted, (Heraldry, vol. ii. p. iv. p. 155,) that it was a part of the coronation ceremony to repeat six generations of the king's ancestry. Martin's Western Isles, p. 241.

[2] Math. Paris, p. 829. Rymer, vol. i. p. 466. Fordun a Hearne, pp. 761, 762.

[3] Rymer, vol. i. edit. 1816, p. 278. Fordun a Hearne, p. 762.

[4] Math. Paris, p. 830. Winton, book vii. chap. x. vol. i. p. 383.

[5] Math. Paris, p. 829. Rapin's History, by Tindal, vol. iii. p. 392, 8vo.

[6] Fordun a Hearne, p. 762. Chron. Melross, p. 179. Winton, vol. i., book vii. chap. x. p. 384.

Durward, this story probably had some foundation in fact, and certain persons who were accused, actually fled from York; upon which Henry made a new appointment of guardians to the young king, at the head of whom were placed the Earls of Menteith and Mar.

The peace of Scotland was for many years after this interrupted by that natural jealousy of England, so likely to rise in a kingdom its equal in the sense of independence, although its inferior in national strength. Henry, too, adopted measures not calculated to secure the confidence of the Scottish people. He sent into Scotland, under the name of guardian to the king, Geoffry de Langley, a rapacious noble, who was immediately expelled. He procured Innocent the Fourth to grant him a twentieth of the ecclesiastical revenues of that kingdom, nominally for the aid of the Holy Land, but really for his own uses; and he despatched Simon de Montfort, the Earl of Leicester, on a mission, described as secret in his instructions,[1] but the object of which may be conjectured from the increasing animosity of the disputes between the Scottish nobility. Many English attendants, some of them persons of rank and consequence, accompanied Margaret into her new kingdom; and between these intruders and the ancient nobility of Scotland, who fiercely asserted their privileges, disputes arose, which soon reached the ears of the English court. The young queen, accustomed to the indulgence and superior refinement of her father's court, bitterly lamented that she was immured in a dismal fortress, without being permitted to have her own attendants around her person, or allowed to enjoy the society of her husband, the king.[2]

These complaints, which appear to have been highly exaggerated, and a still more horrid report that the queen's physician had been poisoned by the same party because he ventured to remonstrate against the confinement of his mistress, were not lost upon Alan Durward, the late justiciar. He had accompanied Henry in his expedition to Guienne, where, by his courage and address, he regained the confidence of that capricious monarch; and he now prevailed upon the king to despatch the Earl of Gloucester and Maunsell his chief secretary, to the Scottish court, for the purpose of dismissing those ministers who were found not sufficiently obsequious to England.[4] In sending these noblemen upon this mission, Henry solemnly engaged to attempt nothing against the person of the Scottish king, and never to insist upon his being disinherited, or upon the dissolution of the marriage settlement;[5] promises, the particular history of which is involved in much obscurity, but which strongly, though generally, demonstrate, that the English king had been accused of designs inimical to the honour and independence of Scotland. At the head of the party which steadily opposed the interested schemes of Henry, was Walter Comyn, earl of Menteith, whose loyalty we have seen insisting on the speedy coronation of the young king, when it was attempted to be deferred by Alan Durward. Many of the principal nobility, and some of the best and wisest of the clergy, were found in the same ranks.

The Earl of Gloucester and his associates accordingly repaired to Scotland; and, in concert with the Earls of Dunbar, Strathern, and Carrick, surprised the castle of Edinburgh, relieved the royal couple from the real or pretended durance in which they were held, and formally conducted them to the bridal chamber, although the king was yet scarcely fourteen years of age.[6] English influence appears now to have been predominant; and Henry, having heard of the success of his forerunners Maunsell and Gloucester, and conceiving that the time was come for the reduction of Scotland under his unfettered control, issued his writs to his military tenants,

[1] Rymer, Fœdera, vol. i. p 523.
[2] Math. Paris, p. 908.
[3] Chron. Melross, p. 183.
[4] Rymer, Fœdera, vol. i. pp. 558, 559. See Illustrations, B.
[5] Rymer, vol. i. p. 559.
[6] Math. Paris, p. 908. Fordun a Goodal, vol. ii. p. 90, book x. chap. ix

and assembled a numerous army. As he led this array towards the borders, he took care to conceal his real intentions, by directing, from Newcastle, a declaration, that in this progress to visit his dear son Alexander, he should attempt nothing prejudicial to the rights of the king, or the liberties of Scotland.[1] In the meantime, the Comyns collected their forces, and the opposite faction suddenly removed the king and queen to Roxburgh, in which castle Alexander received Henry, who conducted him, with pomp and acclamation, to the Abbey of Kelso. The government of Scotland was there remodelled; a new set of counsellors appointed; and the party of the Comyns, with John Baliol and Robert de Ross, completely deprived of their political influence. In the instruments drawn up upon this occasion, some provisions were inserted, which were loudly complained of as derogatory to the dignity of the kingdom; the abettors of England were stigmatized as conspirators, who were equally obnoxious to prelates, barons, and burgesses; and the Bishop of Glasgow, the Bishop elect of St Andrews, the chancellor, and the Earl of Menteith, indignantly refused to affix their seals to a deed, which, as they asserted, compromised the liberties of the country.[2]

A regency was now appointed, which included the whole of the clergy and the nobility who were favourable to England,[3] to whom were intrusted the custody of the king's person, and the government of the realm for seven years, till Alexander had reached the age of twenty-one. Henry assumed to himself the title of "principal counsellor to the illustrious King of Scotland;" and the Comyns, with Bishop Gamelin, the Earl of Mar, Baliol, Ross, and their chief accomplices, were removed from all share in the government of the kingdom.[4]

Alexander, upon his part, engaged to treat his young queen with all honour and affection; and the Earl of Dunbar, according to a common solemnity of this age, swore upon the soul of the king, that every article of the agreement should be faithfully performed. Thus ended a negotiation conducted entirely by English influence; and which, although the ambition of the Comyns may have given some plausible colour to the designs of their enemies, was generally and justly unpopular in Scotland.[5] Alexander and his queen now repaired to Edinburgh; and Henry, after having attempted to recruit his exhausted coffers, by selling a pardon to John de Baliol, and confiscating the estates of Robert de Ross, returned to commit new attacks upon the property of his English subjects.[6]

Upon his departure, Scotland became the scene of civil faction and ecclesiastical violence. There were at this time in that kingdom thirty-two knights and three powerful earls of the name of Comyn:[7] and these, with

[1] Rymer, Fœdera, vol. i. pp. 560, 561. The instrument is dated 25th August 1255.

[2] The Chronicle of Melrose, p. 181, calls the deed "nefandissimum scriptum." See Fordun a Goodal, book x. chap. ix. Winton, book vii. chap. x. vol. i. p. 385.

[3] Richard Inverkeithen bishop of Dunkeld, Peter de Ramsay bishop of Aberdeen, Malcolm earl of Fife, Patrick earl of Dunbar or March, Malise earl of Strathern, and Nigel earl of Carrick, Walter de Moray, David de Lindesay, William de Brechin, Robert de Meyners, Gilbert de Hay, and Hugh Gifford de Yester, were the heads of the English party. Rymer, Fœdera, vol. i. pp. 565–567.

[4] Rotul. Patent. 39 Hen. III. m. 2, in protectionibus duabus pro Eugenio de Ergadia.

[5] Winton, book vii. chap. x.—

Thare wes made swylk ordynans,
That wes gret grefe and displesans
Till of Scotland ye thre statis,
Burgens, Barownys, and Prelatis.

Nothing can be more slight or inaccurate than the account of the early transactions of Alexander's reign, to be found in Buchanan, Boece, and Major. Nor are our more modern historians, who have not submitted to the task of examining the original authorities, free from the same fault. Maitland gives almost a transcript of Buchanan. Lingard, the author of a valuable history of England, has advanced opinions regarding the conduct of Henry the Third and the once keenly-contested subject of homage, which do not appear to me to be well founded: and even Hailes has not exposed, in sufficiently strong colours, that cunning and ambition in the English king, which, under the mask of friendship and protection, concealed a design against the liberties of the kingdom.

[6] Mathew Paris, p. 911.

[7] Fordun a Goodal, vol. ii. p. 92.

their armed vassals, assisted by many of the disgraced nobility, formed an effectual check upon the measures of the regency. Gamelin, the Bishop elect of St Andrews, and the steady enemy of English influence, unawed by his late removal, procured himself to be consecrated by the Bishop of Glasgow: and although placed without the protection of the laws, he yet, in an appeal to the court of Rome, induced the pope to excommunicate his accusers, and to declare him worthy of his bishopric.[1] Henry, enraged at the bold opposition of Gamelin, prohibited his return, and issued orders to arrest him if he attempted to land in England; while the regents performed their part in the persecution, by seizing the rich revenues of his see.[2]

In the midst of these scenes of faction and disturbance, the King and Queen of Scotland proceeded to London on a visit to their father, and were received with great magnificence. They were entertained at Oxford, Woodstock, and in London. Tents were raised in the meadows for the accommodation of their followers; and Henry renewed to Alexander a grant of the honour of Huntingdon, which had been held by some of his predecessors.[3] The party of the Comyns, however, were slowly regaining ground. The pope, by his judgment in favour of Gamelin, espoused their quarrel; and they soon received a powerful support in Mary de Couci, the widow of Alexander the Second, and John of Acre her husband, who at this time passed through England into Scotland.[4] This was indeed a favourable conjuncture by the delegates of the pope, to publish the sentence of excommunication against the counsellors of the king. The ceremony, in those days an affair of awful moment, was performed by the Bishop of Dumblane, and the Abbots of Jedburgh and Melrose, in the abbey church of Cambuskenneth, and repeated, "by bell and candle," in every chapel in the kingdom.[5]

To follow this up, the Comyns now assembled in great strength: they declared that the government of the kingdom had been shamefully mismanaged,—that foreigners were promoted to the highest offices,—that their sovereign was detained in the hands of excommunicated and accursed persons,—and that an interdict would soon be fulminated against the whole kingdom.[6] Finding that their party increased in weight and popularity, they resorted to more desperate measures. Under cover of night they attacked the court of the king, which was then held at Kinross; seized the young monarch in his bed; carried him and his queen before morning to Stirling; made themselves masters of the great seal of the kingdom; and totally dispersed the opposite faction. Nor were they remiss in strengthening their interest by foreign alliance. They entered into a remarkable treaty with Wales—at this time the enemy of England—which, with a wisdom scarcely to be looked for in those rude times, included in its provisions some important regulations regarding the commerce of both countries.[7]

Alan Durward meanwhile precipitately fled to England;[8] and the Comyns, eager to press their advantage to the utmost, assembled their forces, and marched with the king against the English party. A negotiation at length took place at Roxburgh; and the nobility and principal knights, who had leagued with Henry, engaged to submit themselves to the king and the laws, and to settle all disputes in a conference to be held at Forfar. This was merely an artifice to gain time, for they immediately fled to England; and the Earls of Hereford and Albemarle, along with John de Baliol, soon after repaired to Melrose, where the Scottish king

[1] Chron. Melross, p. 181. Hailes, vol. i. p. 170, 4to.
[2] Rymer, Fœd. vol. i. p. 652.
[3] Math. Paris, p. 930.
[4] Rymer, vol. i. p. 625.
[5] Chron. Melross, p. 182.
[6] See Illustrations, C.
[7] Ibid. D.
[8] Chron. Melross, p. 182.

awaited the arrival of his army. Their avowed purpose was to act as mediators between the two factions: their real intention to seize, if possible, the person of the king, and to carry him into England.[1] But the plot was suspected; and Alexander, with the Comyns, defeated all hopes of its success, by appointing for the scene of their conference the forest of Jedburgh, in which a great part of his troops had already assembled.

The two English earls, therefore, resumed their more pacific design of negotiation. It was difficult and protracted; so that, in the interval, the king and the Comyns, having time to collect a large force, found themselves in a situation to insist upon terms which were alike favourable to their own power and to the liberty of the country. The King of England was compelled to dissemble his animosity, to forget his bitter opposition against Bishop Gamelin, and to reserve to some other opportunity all reference to the obnoxious treaty of Roxburgh. A new regency was appointed, which left the principal power in the hands of the queen-mother and of the Comyns, but endeavoured to reconcile the opposite parties, by including in its numbers four of the former regents.[2] Meanwhile the country, torn by contending factions, was gradually reduced to a state of great misery. Men forgot their respect for the kingly authority, and despised the restraint of the laws; the higher nobles enlisted under one or other of the opposite parties, plundered the lands and slew the retainers of their rival barons; churches were violated, castles and hamlets razed to the ground, and the regular returns of seed-time and harvest interrupted by the flames of private war. In short, the struggle to resist English interference was fatal, for the time, to the prosperity of the kingdom; and what Scotland gained in independence, she lost in improvement and national happiness.[3]

[1] Chron. Melross, p. 183.
[2] Rymer, Fœdera, vol. i. p. 670.
[3] Fordun a Goodal, vol. ii. p. 85.

At this crisis, when they had effectually succeeded in diminishing, if not destroying, the English influence, the Comyns lost the leader whose courage and energy were the soul of their councils. Walter Comyn, earl of Menteith, died suddenly. It was reported in England that his death was occasioned by a fall from his horse;[4] but a darker story arose in Scotland. The Countess of Menteith had encouraged a criminal passion for an English baron named Russel,[5] and was openly accused of having poisoned her husband to make way for her paramour, whom she married with indecent haste. Insulted and disgraced, she and her husband were thrown into prison, despoiled of their estates, and at last compelled to leave the kingdom.[6]

Encouraged by the death of his opponent, and anxious to regain his lost influence, the English king now became desirous that Alexander and his queen should pay him a visit at London; and for this purpose he sent William de Horton, a monk of St Albans, on a secret mission into Scotland. Horton arrived at the period when the king and his nobles were assembled in council, and found them jealous of this perpetual interference of England. They deemed these visits incompatible with the independence of the country; and the messenger of Henry met with great opposition.[7] The nature of the message increased this alarm. It was a request that Alexander and his queen should repair to London, to treat of matters of great importance, but which were not communicated to the parliament; and it was not surprising that the nobility, profiting by former experience, should have taken precautions against any sinister designs of Henry.

[4] Math. Paris, p. 660.
[5] Buchanan, copying Boece, as he generally does, calls Russel *ignobilis Anglus*. But I suspect that the paramour of the countess was John Russel, one of the witnesses, in 1220, who signs the agreement for the marriage of Johanna, sister of Henry the Third, to Alexander the Second, giving his obligation to Alexander for the fulfilment of the treaty, and who could not be an obscure individual. Fœdera, vol. i. p. 240.
[6] Hailes' Hist. vol. i. p. 172, 4to.
[7] Math. Paris, p. 985.

Accordingly, the Earl of Buchan, Durward the Justiciar, and the Chancellor Wishart, were in their turn despatched upon a secret mission into England; and the result was, that Alexander and his queen consented to visit London, under two conditions: first, an express stipulation was made that, during their stay at court, neither the king, nor any of his attendants, were to be required to treat of state affairs; and, secondly, an oath was to be taken by the English monarch, that if the Queen of Scotland became pregnant, or if she gave birth to a child during her absence, neither the mother nor the infant should be detained in England;[1] so great, at this moment, in the minds of the Scottish nobility, was the jealousy of English ambition and intrigue.

In fulfilment of this promise, the King of Scotland repaired with a concourse of his nobility to the court of England; and left his queen, whose situation now speedily promised an heir to the Scottish throne, to follow him, by slow stages, with the Bishop of Glasgow. On her approach to St Albans, she was met by her younger brother Edmund, who received her with a splendid retinue, and conducted her in the morning to London. The object of this visit of Alexander was not solely to gratify the King of England. He was anxious to exercise his rights over the territory of Huntingdon, which he held of the English crown; and the payment of his wife's portion had been so long delayed, that he wished to reclaim the debt. The reception of the royal persons appears to have been unusually magnificent; and the country round the court was greatly exhausted by the sumptuous entertainments, and the intolerable expenses which they demanded.[2] In the midst of these festivities, the queen drew near her time; and, at the pressing instance of her father, it was agreed that she should lie-in at the court of England: not, however, without a renewed stipulation, sworn upon the soul of the king, that the infant, in the event of the death of its mother or of Alexander, should be delivered to an appointed body of the Scottish nobility.

Having secured this, Alexander returned to his kingdom; and in the month of February 1261 his young queen was delivered at Windsor of a daughter, Margaret, afterwards married to Eric, king of Norway.[3]

In the beginning of the following year, Henry seems to have interposed his good offices to prevent a rupture between Alexander and Haco, king of Norway, regarding the possession of the Western Islands, the petty chiefs of which had for a long period been feudatory to the Norwegian crown.[4] Their habits of constant war and piratical excursion had at this time rendered the Norwegians a formidable people; and their near vicinity to Scotland enabled them, at a very early period, to overspread the whole of the Western Archipelago. The little sovereignties of these islands, under the protection of a warlike government, appear to have been in a flourishing condition. They were crowded with people; and the useful and ornamental arts were carried in them to a higher degree of perfection than in the other European countries. A poet of the north, in describing a dress unusually gorgeous, adds, that it was spun by the Sudreyans.[5] And even in science and literature, this remarkable people had, in their colonies especially, attained to no inconsiderable distinction.[6]

The vicinity of such enterprising neighbours was particularly irksome to the Scottish kings, and they anxiously endeavoured to get possession of these islands. When treaty failed, they encouraged their subjects of Scotland to invade them; and Alan, lord of Galloway, assisted by Thomas, earl of

[1] Rymer, Fœdera, vol. i. pp. 713, 714. Math. Westminster, p. 376.

[2] Math. Westminster, p. 376.

[3] Math. Westminster, p. 377. The Chron. Melross, p. 185, places her birth in the year 1260. She certainly was not born as late as the 16th November 1260.

[4] Macpherson's Geographical Illustrations of Scottish History, under the word "Ilis." A valuable work.

[5] Johnstone's Lodbrokar-Quida, stanza xv. and explanatory note.

[6] Macpherson's Illustrations, ut supra, voce "Ilis."

Athole, about thirty years before this, carried on a successful war against the isles, and expelled Olaf the Black, king of Man, from his dominions.[1] These Scottish chiefs had collected a large fleet, with a proportionably numerous army; and it required all the exertions of the Norwegian king to re-establish his vassal on his island throne. After this, the authority of Norway became gradually more and more precarious throughout the isles. Some of the chiefs were compelled, others induced by motives of interest, to renounce their allegiance, and to embrace the nearer superiority of Scotland: some, who held lands of both crowns, were uncertain to whom they should pay their paramount allegiance; and Alexander the Second, the immediate predecessor of Alexander the Third, after an unsuccessful attempt at negotiation, prepared an expedition for their complete reduction. The expressions used in threatening this invasion may convince us that the Norwegians had not only acquired the sovereignty of the isles, but had established themselves upon the mainland of Scotland; for the Scottish king declares, "that he will not desist till he hath set his standard upon the cliffs of Thurso, and subdued all that the King of Norway possessed to the westward of the German Ocean."[2] Alexander the Second, however, lived only to conduct his fleet and army to the shores of Argyleshire; and, on the king's death, the object of the expedition was abandoned.[3]

During the minority of Alexander the Third, all idea of reducing the isles seems to have been abandoned; but when the king was no longer a boy, the measure was seriously resumed: and after an unsuccessful embassy to the Norwegian court,[4] the Earl of Ross and other island chiefs were induced to invade the reguli, or petty kings of the Hebrides, in the western seas. Their expedition was accompanied with circumstances of extreme cruelty. The ketherans and soldiers of the isles, if we may believe the Norwegian Chronicles, not content with the sack of villages and the plunder of churches, in their wanton fury raised the children on the points of their spears, and shook them till they fell down to their hands: barbarities which might be thought incredible, were we not acquainted with the horrid atrocities which, even in our own days, have accompanied piratic warfare.[5]

Such conduct effectually roused Haco, the Norwegian king. He determined to revenge the injuries offered to his vassals, and immediately issued orders for the assembling of a fleet and army, whilst he repaired in person to Bergen to superintend the preparations for the expedition. The magnitude of these spread an alarm even upon the coasts of England. It was reported, that the Kings of Denmark and Norway, with an overwhelming fleet, had bent their course against the Scottish islands;[6] and although the apparent object of Haco was nothing more than the protection of his vassals, yet the final destination of so powerful an armament was anxiously contemplated.

On the 7th of July, the fleet set sail from Herlover. The king commanded in person. His ship, which had been built at Bergen, was entirely of oak, of great dimensions,[7] and ornamented

[1] Johnstone, Antiquitates Celto-Normannicæ, p. 30. See also a Memoir, by Mr Dillon, in the Transactions of the Society of Scottish Antiquaries, p. 356, vol. ii. p. 2. The fleet of Earl Alan alone consisted of 150 ships: small craft, of course, but formidable in piratic warfare.

[2] Chronicle of Man, p. 43.

[3] Math. Paris, p. 770. Mathew describes Alexander as having sailed on this expedition, for the purpose of compelling Angus of Argyle to do him homage for certain lands which were held of Norway: Alexander's object was to compel all the vassals of Norway to renounce their allegiance.

[4] Chronicle of Man, p. 45.

[5] The Chronicle of Man, p. 45, says the Earl of Ross was assisted by Kearnach and the son of Macalmal. Macalmal is conjectured to be Macdonald. Who was Kearnach? As to the inhuman practice mentioned in the text, see Johnstone, Notes to the Norwegian Expedition.

[6] Rymer, Fœdera, vol. i. p. 772. Letter from Ralph de Nevil, captain of Bamborough castle.

[7] Norse Account of this Expedition, with its translation, published by Johnstone, p. 25.

with richly-carved dragons, overlaid with gold. Everything at first seemed to favour the expedition. It was midsummer, the day was fine, and innumerable flags and pennons flaunted in the breeze; the decks were crowded with knights and soldiers, whose armour glittered in the sun; and the armament, which was considered as the most powerful and splendid that had ever sailed from Norway, bore away with a light wind for Shetland, which it reached in two days.[1] Haco thence sailed to Orkney, where he proposed to separate his forces into two divisions, and to send one of these to plunder in the Firth of Forth; whilst he himself remained in reserve, with his largest ships and the greater part of his army, in Orkney. It happened, however, that the higher vassals and retainers, who appear to have had a powerful influence in the general direction of the expedition, refused to go anywhere without the king himself; and this project was abandoned.[2] The fleet, therefore, directed its course to the south; and, after being joined by a small squadron which had previously been despatched to the westward,[3] Haco conducted his ships into the bay of Ronaldsvoe, and sent messengers to the neighbouring coast of Caithness to levy contributions. This country, exposed from its situation to perpetual piratic invasions, was, as we have seen, in 1249 under the dominion of Norway. But this did not long continue. The exertions of the Scottish government had succeeded in reducing the inhabitants; hostages were exacted for their fidelity; and now we find this remote district in the state of a Scottish province, exposed to the exactions of Norway.

No aid, however, appeared from Scotland; and the Caithnessians quietly submitted to the tribute which Haco imposed upon them. It is remarked by the Norwegian Chronicle, that when their king lay with his fleet in Ronaldsvoe, "a great darkness drew over the sun, so that only a little ring was bright round his orb." The ancient historian thus unconsciously afforded to modern science the means of exactly ascertaining the date of this great expedition. The eclipse was calculated, and it was found to have taken place on the 5th of August 1263,[4] and to have been annular at Ronaldsvoe in Orkney: a fine example of the clear and certain light reflected by the exact sciences upon history. Early in August, the king sailed across the Pentland Firth, having left orders for the Orkney men to follow him when their preparations were completed; thence he proceeded by the Lewes to the Isle of Skye, where he was joined by Magnus, the lord of Man; and from this holding on to the Sound of Mull, he met Dugal and other Hebridean chiefs with their whole forces.

The united armament of Haco now amounted to above a hundred vessels, most of them large, all well provided with men and arms; and, on the junction of the fleet, the business of piracy commenced. A division of the forces first took place.[5] A squadron of fifty ships, under Magnus and Dugal was sent to plunder in the Mull of Kantire; five ships were despatched for the same purpose to Bute; and the king himself, with the rest of the fleet, remained at Gigha, a little island between the coast of Kantire and Islay. He was here met by King John, one of the island chiefs, whom Alexander the Second had in vain attempted to seduce from his fidelity to Norway. John was now, however, differently situated; and a scene took place which is strongly illustrative of feudal manners. Haco desired him to follow his banner, as was his duty; upon which the island prince excused himself. He affirmed that he had taken the oaths as a

According to this work, Haco's ship had twenty-seven banks of oars; that is, twenty-seven seats for the rowers.

[1] Norse Account of the Expedition, pp. 38, 39. It calls it a mighty and splendid armament. Haco anchored in Breydeyiar Sound.

[2] Norse Account, p. 43.

[3] Observations on the Norwegian Expedition, Antiquarian Transactions, vol. ii. p. 363.

[4] The Chronicle of Melrose is thus evidently wrong in placing this expedition in 1262.

[5] Norse Account of the Expedition, p. 49.

vassal of the Scottish king; that he held of him more lands than of his Norwegian master; and he entreated Haco to dispose of all those estates which he had conferred on him. This reasoning, although not agreeable to his powerful superior, was apparently such as Haco could not dispute; and after a short time John was dismissed, not only uninjured, but with presents.[1]

Many of these island chiefs found themselves, during this northern invasion, in a very distressing situation. On one hand, the destroying fleet of Haco lay close to the shores of their little territories, eager to plunder them should they manifest the slightest resistance. On the other, they had given hostages for their loyal behaviour to the King of Scotland; and the liberty, perhaps the lives, of their friends or their children were forfeited if they deserted to the enemy. In this cruel dilemma was Angus, lord of Kantire and Islay, apparently a person of high authority in these parts, and whose allegiance the Scottish king seems to have adopted every method to secure. He held his infant son as a hostage; an instrument had been drawn out, which declared his territories subject to instant forfeiture if he deserted; and the barons of Argyle were compelled to promise that they would faithfully serve the king against Angus of Islay, and unite in accomplishing his ruin, unless he continued true to his oaths.[2] But the power of the King of Scotland was remote; the vengeance of piratical warfare was at his door; and Angus, with another island prince, Murchad of Kantire, submitted to Haco, and delivered up the whole lands which they held of Alexander. A fine of a thousand head of cattle was esteemed a proper punishment for their desertion from Norway; and when they renewed their oaths to Haco, he promised, what he did not live to perform, to reconcile them to the offended majesty of Scotland.[3]

In the meantime, the squadron which had been despatched towards the Mull of Kantire made a desolating descent upon the peninsula; but in the midst of their havoc, and when they were proceeding to attack the greater villages, they received letters from Haco, forbidding them to plunder, and commanding them to rejoin the king's fleet at Gigha. Haco next despatched one of his captains, with some small vessels, to join the little squadron which had sailed against Bute; and intelligence soon after reached him that the castle of Rothesay, in that island, had been taken by his soldiers, and that the Scottish garrison had capitulated. A pirate chief, named Roderic, who claimed Bute as his inheritance, but who had been opposed by the islanders and outlawed by Alexander, was at this time with Haco. His knowledge of the seas in these quarters made him useful to the invaders, and the power of Haco enabled him to gratify his revenge. He accordingly laid waste the island, basely murdered part of the garrison of Rothesay, and leading a party of plunderers from Bute into Scotland, carried fire and sword into the heart of the neighbouring country.[4]

While the king's fleet lay at Gigha, Haco received messengers from the Irish Ostmen, with proposals of submitting themselves to his power; under the condition that he would pass over to Ireland with his fleet, and grant them his protection against the attacks of their English invaders, who had acquired the principal towns upon the coast. In reply to this pro-

[1] Norse Account of the Expedition, p. 51. See also p. 69.

[2] Observations on the Norwegian Expedition, Antiquarian Transactions, pp. 367, 368. See Ayloffe's Calendar of Ancient Charters, pp. 336, 342.

[3] Norse Account of the Expedition, pp. 55, 56.

[4] Norse Account of the Expedition, pp. 63, 67. This valuable historical chronicle is interspersed with pieces of poetry, descriptive of the events which occurred. The invasion of Bute and the inroad of Rudri into Scotland are thus sung:—

"The habitations of men, the dwellings of the wretched, flamed. Fire, the devourer of halls, glowed in their granaries. The hapless throwers of the dart fell near the swan-frequented plain, while south from our floating pines marched a host of warriors."

posal, the king despatched Sigurd, one of his chief captains, to communicate with the Ostmen;[1] and in the meantime he himself, with the whole fleet, sailed round the point of Kantire, and, entering the Firth of Clyde, anchored in the Sound of Kilbrannan, which lies between the island of Arran and the mainland.

Hitherto the great body of the Norwegian fleet had remained in the Hebrides, and Scotland was only made acquainted with this formidable invasion by the small squadrons which had been despatched for the purposes of plunder. But the whole naval armament of Haco, amounting to a hundred and sixty ships, as it entered the Firth of Clyde, became conspicuous from the opposite shores of Kyle, Carrick, and Wigtown; and the more immediate danger of a descent induced the Scottish government to think seriously of some terms of pacification. Accordingly, there soon after arrived from Alexander a deputation of Prædicant, or Barefooted Friars, whose object was to sound Haco regarding the conditions upon which a peace might be concluded; and, in consequence of these overtures, five Norwegian commissioners[2] were sent to treat with the King of Scotland. They were honourably received by Alexander, and dismissed with a promise that such terms of accommodation as the Scottish king could consent to should be transmitted to Haco within a short time; and in the meanwhile a temporary truce was agreed on.

This was wise: for to delay any pacification, without irritating their enemy, was the manifest policy of Scotland. Every day gave them more time to levy and concentrate their army; and as the autumn was drawing to a close, it brought the Norwegians a nearer prospect of wreck and disaster from the winter storms. Envoys were now despatched from Alexander to Haco; and the moderate demands of the King of Scotland made it apparent that, at this moment, he was not prepared to resist the fleet and army of Norway. He claimed Bute, Arran, and the two islands of the Cumbraes, all lying in the Firth of Clyde, as the property of Scotland; but it appears that he was willing to have given up to Norway the whole of the isles of the Hebrides.[3] These terms, so advantageous to Haco, were, fortunately for Scotland, rejected: no pacification took place; and the fleet of Norway bore in through the narrow strait between the larger and the lesser Cumbrae, thus menacing a descent upon the coast of Ayrshire, which is scarcely two miles distant.

The crews had now run short of provisions, the weather was daily becoming more threatening, a strong Scottish force of armed peasants had gathered on the shore, and Haco was anxiously exhorted by his officers to give orders for a descent on the coast, were it only to recruit, by plunder, the exhausted state of their provisions.[4] This measure, it seems, he was unwilling to adopt, without a last message to the King of Scotland; and for this purpose he sent an ambassador[5] to Alexander, whose commission was worded in the true style of ancient chivalry. He was to propose, "That the sovereigns should meet amicably at the head of their armies, and treat regarding a peace, which if, by the grace of God, it took place, it was well; but if the attempt at negotiation failed, he was to throw down the gauntlet from Norway, to challenge the Scottish monarch to debate the matter with his army in the field, and let God, in his pleasure, deter-

[1] Norse Account of the Expedition, p. 67. These Ostmen, or Easterlings, appear to have been the descendants of the Norwegians, or Ostmen, who long inhabited the eastern coast of Ireland, and founded some of its best towns. They were still, in 1201, so considerable, that, at a recognition taken of the diocese of Limerick, the arbitrators were twelve English, twelve Irish, and twelve Ostmen. Edward the first gave Gilmorys, and other Ostmen of the county of Waterford, particular privileges.—Johnstone's Notes on p. 66 of the Norse Expedition.

[2] These were Gilbert, bishop of Hamar, Henry, bishop of Orkney, Andrew Nicolson, Andrew Plytt, and Paul Soor.—Norse Account of the Expedition, p. 69.

[3] Norse Account of the Expedition, p. 71.

[4] Ibid. pp. 73, 75.

[5] Kolbein Rich was his name.

mine the victory." Alexander, however, would agree to no explanation; but "seemed," says the Norse Chronicle, "in no respect unwilling to fight;"[1] upon which the envoy returned from his unsatisfactory mission, and the truce was declared at an end.

Haco next despatched a fleet of sixty ships up the Clyde, into Loch Long, under the command of Magnus, king of Man, and with him four Hebridean chiefs, and two principal Norwegian officers. They penetrated and plundered to the head of Loch Long; they then took to their boats, and dragging them across the narrow neck of land between Arrochar and Tarbet, launched them into Loch Lomond, the islands of which lake were then full of inhabitants. To these islands the Scots had retreated for security, no doubt; little anticipating the measure which the lightness of the Norwegian craft, and the active perseverance of that bold people, enabled them to carry into execution. Their safeholds now became the scenes of plunder and bloodshed; the islands were wasted with fire, the shores of this beautiful lake completely ravished, and the houses on its borders burnt to the ground.[2] After this, one of the Hebridean chiefs made an expedition into the rich and populous county of Stirling, in which he slew great numbers of the inhabitants, and returned, driving herds of cattle before him, and loaded with booty.[3]

But the measure of Norwegian success was now full: the spirit of the Scottish nation was highly exasperated —time had been given them to collect their forces—and, as had been foreseen, the elements began to fight on their side. Upon returning to their ships in Loch Long, the invaders encountered so dreadful a storm, that ten of their vessels were completely wrecked.[4] King Haco still lay with the rest of the fleet in the Firth of Clyde, near the little islands of the Cumbraes, when, on Monday the 1st of October, a second tempest came on, accompanied with such torrents of hailstones and rain, that the Norwegians ascribe its extreme violence to the powers of enchantment—a prevalent belief at this period.[5] The wind blew from the south-west, making the coast of Ayrshire a lee-shore to the fleet, and thus infinitely increasing its distress. At midnight a cry of distress was heard in the king's ship; and before assistance could be given, the rigging of a transport, driven loose by the storm, got entangled with the royal vessel, and carried away her head. The transport then fell alongside, so that her anchor grappled the cordage of the king's ship; and Haco, perceiving the storm increasing, and finding his own ship beginning to drag her anchors, ordered the cable of the transport to be cut, and let her drift to sea. When morning came, she and another vessel were seen cast ashore. The wind still increased; and the king, imagining that the powers of magic might be controlled by the services of religion, rowed in his long boat to the islands of the Cumbraes, and there, amid the roaring of the elements, ordered mass to be celebrated.[6] But the tempest increased in fury. Many vessels cut away their masts; his own ship, although secured by seven anchors, drove from her moorings; five galleys were cast ashore, and the rest of the fleet violently beat up the channel towards Largs.[7]

Meanwhile, Alexander had neglected no precaution which was likely to in-

[1] Norse Account of the Expedition.

[2] Ibid. pp. 78, 79. Sturlas sings of this: —"The persevering shielded warriors of the thrower of the whizzing spear drew their boats across the broad isthmus. Our fearless troops, the exactors of contribution, with flaming brands wasted the populous islands in the lake, and the mansions around its winding bays."

[3] Excerpt. e Rotul. Compot. Temp. Alex. III. p. 38.

[4] Norse Account of the Expedition, pp. 81-84.

[5] "Now our deep-inquiring sovereign encountered the horrid powers of enchantment. The troubled flood tore many fair galleys from their moorings, and swept them anchorless before its waves. . . . The roaring billows and stormy blast threw shielded companies of our adventurous nation on the Scottish strand."—Norse Account, p. 87.

[6] Norse Account of the Expedition, p. 85.

[7] Ibid.

sure the discomfiture of this great armament. Before it appeared on the coast, the warders in the different castles which commanded a view of the sea were directed to keep a strict look-out; a communication by beacons was established with the interior of the country;[1] and now, when the tempest seemed to threaten the total destruction of their enemies, a multitude of armed peasants hovered on the surrounding heights observing every motion of the Norwegian fleet, and ready to take instant advantage of its distress. Accordingly, when the five galleys, with their armed crews, were cast ashore, the Scots rushed down from the heights, and attacked them. The Norwegians defended themselves with great gallantry; and the king, as the wind had somewhat abated, succeeded in sending in boats with reinforcements; but as soon as their crews landed, the Scots retired, satisfying themselves with returning during the night, to plunder the transports.[2]

When morning broke, Haco came on shore with a large reinforcement, and ordered the transports to be lightened, and towed to the ships. Soon after, the Scottish army appeared at a distance, upon the high grounds above the village of Largs; and as it advanced, the sun's rays glancing from the lines made it evident to the Norwegians that a formidable body of troops were about to attack them. The cavalry, although they only amounted to fifteen hundred horsemen, had a formidable appearance on the heights, most of them being knights or barons from the neighbouring counties, armed from head to heel, and mounted on Spanish horses, which were clothed in complete armour.[3] All the other horses were defended with breastplates; and besides this cavalry, there was a numerous body of foot soldiers, well accoutred, and for the most part armed with spears and bows. This force was led by the king in person, along with Alexander the High Steward of Scotland.[4]

On the shore, at this time, was a body of nine hundred Norwegians, commanded by three principal leaders; two hundred men occupied in advance a small hill which rises behind the village of Largs, and the rest of the troops were drawn up on the beach. With the advance also was the king, whom, as the main battle of the Scots approached, his officers anxiously entreated to row out to his fleet, and send them further reinforcements. Haco, for some time, pertinaciously insisted on remaining on shore; but as he became more and more exposed, the barons would not consent to this, and at last prevailed on him to return in his barge to his fleet at the Cumbraes. The van of the Scottish army now began to skirmish with the advance of the Norwegians, and greatly outnumbering them, pressed on both flanks with so much fury, that, afraid of being surrounded and cut to pieces, they began a retreat, which soon changed into a flight. At this critical moment, when everything depended on Haco's returning with additional forces before the main body of the Scots had time to charge his troops on the beach, a third storm came on, which completed the ruin of the Norwegian fleet, already shattered by the former furious gales. This cut off all hopes of landing a reinforcement, and they were completely routed. Indeed, without a miracle, it could not have been otherwise. The main body of the Scots far outnumbered the force of the Norwegians;[5] and their advance, under Ogmund, flying back in confusion, threw into disorder the small squadrons which were drawn up on the beach. Many of these attempted to save themselves, by leaping into their boats and pushing off from land; others endeavoured to defend them-

[1] Observations on the Norwegian Expedition against Scotland, pp. 390, 391. Also, Excerpt. e Rot. Compot. Tempore Regis Alexandri III. pp. 9, 31, 48.
[2] Norse Account of the Expedition, p. 91.
[3] Ibid. pp. 94, 95.
[4] Norse Account of the Expedition, p. 95. Winton, vol. i. p. 387. Fordun a Goodal, vol. ii. p. 98.
[5] Norse Account of the Expedition, p. 97, says that ten Scots fought against one Norwegian. This is no doubt exaggerated.

selves in the transport which had been stranded; and between the anger of the elements, the ceaseless showers of missile weapons from the enemy, and the impossibility of receiving succour from the fleet, their army was greatly distressed. Their leaders, too, began to desert them; and their boats became overloaded and went down.[1] The Norwegians were now driven along the shore, but they constantly rallied, and behaved with their accustomed national bravery. Some had placed themselves in and round the stranded vessels; and while the main body retreated slowly, and in good order, a conflict took place beside the ships, where Piers de Curry,[2] a Scottish knight, was encountered and slain. Curry appears to have been a person of some note, for he and the Steward of Scotland are the only Scottish soldiers whose names have come down to us as acting a principal part upon this occasion. His death is minutely described in the Norwegian Chronicle. Gallantly mounted, and splendidly armed, his helmet and coat of mail being inlaid with gold, Sir Piers rode fearlessly up to the Norwegian line, attempting, in the chivalrous style of the times, to provoke an encounter. In this he was soon satisfied; for a Norwegian, who conducted the retreat, irritated by his defiance, engaged him in single combat; and after a short resistance, killed him by a blow which severed his thigh from his body, the sword cutting through the cuisses of his armour, and penetrating to his saddle.[3] A conflict now took place round the body of this young knight, the plunder of whose rich armour the retreating Norwegians could not resist; their little square was thrown into confusion; and, as the Scots pressed on, the slaughter became great. Haco, a Norse baron, and near in blood to the king, was slain, along with many others of the principal leaders; and the Norwegians would have been entirely cut to pieces, if they had not at last succeeded in bringing a reinforcement from the fleet, by landing their boats through a tremendous surf.[4]

These new troops instantly attacked the enemy upon two points; and their arrival reinspirited the Norsemen, and enabled them to form anew. It was now evening, and the day had been occupied by a protracted battle, or rather a succession of obstinate skirmishes. The Norwegians, although they fought with uncommon spirit, had sustained severe loss; and they now made a last effort to repulse the Scots from the high grounds immediately overhanging the shore. The impetuosity of their attack succeeded, and the enemy were driven back after a short and furious resistance.[5] The relics of this brave body of invaders then re-embarked in their boats, and, although the storm continued, arrived safely at the fleet.

During the whole of this conflict, which lasted from morning till night, the storm continued raging with unabated fury, and the remaining ships of Haco were dreadfully shattered and distressed. They drove from their anchors, stranded on the shore, where multitudes perished — struck against shallows and rocks, or found equal destruction by running foul of each other; and the morning presented a beach covered with dead bodies, and a sea strewed with sails, masts, cordage, and all the melancholy accompaniments of wreck.[6] A truce was now granted to the king; and the interval employed in burying his dead, and in raising above them those rude memorials, which, in the shape of tumuli and huge perpendicular stones, still remain to mark the field of battle. The Norwegians then burnt the stranded vessels; and, after a few days, having been joined by the remains of the fleet, which had been sent up Loch Long, their shattered navy

[1] Norse Account of the Expedition, p. 97.

[2] Winton, vol. i. p. 388. "Perrys of Curry call'd be name."

[3] Norse Account of the Expedition, p. 99.

[4] Norse Account of the Expedition, p. 101.

[5] Ibid. p. 103. "At the conflict of corslets on the blood-red hill, the damasked blade hewed the mail of hostile tribes, ere the Scot, nimble as the hound, would leave the field to the followers of our all-conquering king."

[6] Fordun, chap. xvi. book x. vol. ii., p. 89.

weighed anchor, and sailed towards Arran.[1]

In Lamlash Bay the king was met by the commissioners whom he had sent to Ireland, and they assured him that the Irish Ostmen would willingly maintain his forces, until he had freed them from the dominion of the English. Haco was eager to embrace the proposal. He appears to have been anxious to engage in any new expedition which might have banished their recent misfortunes from the minds of his soldiers, whilst it afforded him another chance of victory, with the certainty of reprovisioning the fleet; but their late disasters had made too deep an impression; and, on calling a council, the Irish expedition was opposed by the whole army.[2]

The shattered squadron, therefore, steered for the Hebrides; and in passing Islay, again levied a large contribution on that island. The northern monarch, however, now felt the difference between sailing through this northern archipelago, as he had done a few months before, with a splendid and conquering fleet, when every day brought the island princes as willing vassals of his flag, and retreating, as he now did, a baffled invader. His boat crews were attacked, and cut off by the islanders. He appears to have in vain solicited an interview with John, the prince of the Isles. The pirate chiefs who had joined him, disappointed of their hopes of plunder, returned to their ocean strongholds; and although he went through the forms of bestowing upon his followers the islands of Bute and Arran, with other imaginary conquests, all must have seen that the success and power of Scotland rendered these grants utterly unavailing.[3] The weather, too, which had been his worst enemy, continued lowering, and winter had set in. The fleet encountered in their return a severe gale off Islay; and, after doubling Cape Wrath, were met in the Pentland Firth by a second storm, in which one vessel, with all on board, went down, and another narrowly escaped the same fate. The king's ship, however, with the rest of the fleet, weathered the tempest, and at last arrived in Orkney on the 29th of October.[4]

It was here found advisable to grant the troops permission to return to Norway; as, to use the simple expression of the Norwegian Chronicle, "many had already taken leave for themselves." At first the king resolved on accompanying them; but anxiety of mind, the incessant fatigues in which he had passed the summer and autumn, and the bitter disappointment in which they ended, had sunk deep into his heart, and the symptoms of a mortal distemper began to shew themselves in his constitution. His increasing sickness soon after this confined him to his chamber; and although for some time he struggled against the disease, and endeavoured to strengthen his mind by the cares of government and the consolations of religion, yet all proved in vain. At last, feeling himself dying, the spirit of the old Norse warrior seemed to revive with the decay of his bodily frame; and, after some time spent in the services of the Church, he commanded the Chronicles of his ancestors the Pirate Kings to be read to him. On the 12th of December, the principal of the nobility and clergy, aware that there was no hope, attended in his bedchamber. Though greatly debilitated, Haco spoke distinctly, bade them all affectionately farewell, and kissed them. He then received extreme unction, and declared that he left no other heir than Prince Magnus. The Chronicle of King Swerar was still read aloud to him when he was indisposed to sleep, but soon after this his voice became inaudible; and on the 15th of December, at midnight, he expired.[5]

Such was the conclusion of this memorable expedition against Scotland, which began with high hopes and formidable preparations, but ended

[1] Observations on the Norwegian Expedition, Antiq. Trans. vol. ii. p. 385.
[2] Norse Account of the Expedition, p. 109.
[3] Ibid. pp. 111, 113, 117.
[4] Norse Account of the Expedition, p. 119.
[5] Ibid. p. 131.

in the disappointment of its object, and the death of its royal leader. It was evidently a fatal mistake in Haco to delay so long in petty expeditions against the Western Islands. While it was still summer, and the weather fair, he ought at once to have attempted a descent upon the mainland; and had he done so, Alexander might have been thrown into great difficulties. Delay and protracted negotiation was the policy of the Scots. They thus avoided any general battle; and they knew that if they could detain the Norwegian fleet upon the coast till the setting in of the winter storms, its destruction was almost inevitable. Boece, in his usual inventive vein, covers the field with 25,000 dead Norwegians, and allows only four ships to have been saved to carry the king to his grave in Orkney. But all this is fiction; and the battle of Largs appears to have been nothing more than a succession of fortunate skirmishes, in which a formidable armament was effectually destroyed by the fury of the elements, judiciously seconded by the bravery of the Scots.

The accounts of the death of Haco, and the news of the queen having been delivered of a son, were brought to King Alexander on the same day;[1] so that he was at once freed from a restless and powerful enemy, and could look forward to a successor of his own blood. Nor did he lose any time in following up the advantages already gained by completing the reduction of the little kingdom of Man, and the whole of the Western Isles. For this purpose, he levied an army with the object of invading the Isle of Man, and compelled the petty chiefs of the Hebrides to furnish a fleet for the transport of his troops. But the King of Man, terrified at the impending vengeance, sent envoys with messages of submission; and, fearful that these would be disregarded, set out himself, and met Alexander, who had advanced on his march as far as Dumfries.[2] At this place the Island Prince became the liegeman of the King of Scotland, and consented that, in future, he should hold his kingdom of the Scottish crown; binding himself to furnish to his lord paramount, when required by him, ten galleys or ships of war,—five with twenty-four oars and five with twelve.

A military force, commanded by the Earl of Mar, was next sent against those unfortunate chiefs of the Western Isles, who, during the late expedition, had remained faithful to Haco.[3] Some were executed, all were reduced, and the disputes with Norway were finally settled by a treaty, in which that country agreed to yield to Scotland all right over Man, the Æbudæ, and the islands in the western seas. The islands in the south seas were also included, but those of Orkney and Shetland expressly excepted. The inhabitants of the Hebrides were permitted the option of either retiring with their property, or remaining to be governed in future by Scottish laws. On the part of the King and the Estates of Scotland, it was stipulated that they were to pay to Norway four thousand marks of the Roman standard, and a yearly quit-rent of a hundred marks sterling for ever. The King of Man received investiture as a vassal of Alexander; and all parties engaged to fulfil their obligations, under a penalty of ten thousand marks, to be exacted by the Pope.[4]

Ottobon de Fieschi was at this time

[1] Winton, vol. i. pp. 389, 390. Mackenzie, in his Lives of Scottish Writers, vol. ii. p. 86, mentions a fragment of the records of Colmkill, which was in possession of the Earl of Cromarty, as containing an account of the battle of Largs.

[2] Fordun a Goodal, book x. chap. xviii. vol. ii. p. 101. In Ayloffe's Calendar of Ancient Charters, p. 328, we find the letter of the King of Man to the King of Scotland, *quod tenebit terram Man de rege Scotiæ*. It was one of the muniments taken out of Edinburgh Castle, and carried to England by Edward the First.

[3] Fordun a Goodal, vol. ii. pp. 101, 102. Excerpt. e Rotul. Compot. Temp. Alex. III. p. 18.

[4] The treaty will be found in Fordun by Hearne, p.1353-5. It is dated 20th July 1266. In the account of the treaty, Lord Hailes has made a slight error when he says that the patronage of the bishopric of Sodor was reserved to the Archbishop of Drontheim. The patronage was expressly ceded to Alexander, but the ecclesiastical jurisdiction was reserved in favour of the Archbishop of Drontheim.

the Papal legate in England, and to defray the expenses of his visitation, he thought proper to demand a contribution from each cathedral and parish church in Scotland. The king, however, acting by the advice of his clergy, peremptorily refused the demand; appealed to Rome; and, when Ottobon requested admittance into Scotland, steadily declared that he should not set a foot over the Border. The legate next summoned the Scottish bishops to attend upon him in England whenever he should hold his council; and he required the clergy to despatch two of their number to appear as their representatives. This they agreed to; but the representatives were sent, not as the vassals of the Papacy, but as the members of an independent Church. Such, indeed, they soon shewed themselves; for when the legate procured several canons to be enacted regarding Scotland, the Scottish clergy resolutely disclaimed obedience to them. Incensed at this conduct, Clement the Fourth shifted his ground, and demanded from them a tenth of their benefices, to be paid to Henry of England, as an aid for an approaching crusade. The answer of Alexander and his clergy was here equally decided: Scotland itself, they said, was ready to equip for the crusade a body of knights suitable to the strength and resources of the kingdom, and they therefore rejected the requisition. Accordingly, David, earl of Athole, Adam, earl of Carrick, and William, lord Douglas, with many other barons and knights, assumed the cross, and sailed for Palestine.[1]

In consequence, however, of the Papal grant, Henry attempted to levy the tenth upon the benefices in Scotland. The Scottish clergy refused the contribution, appealed to Rome, and, in addition to this, adopted measures, which were singularly bold, and well calculated to secure the independence of the Scottish Church. They assembled a provincial council at Perth, in which a bishop of their own was chosen to preside, and where canons for the regulation of their own Church were enacted. This they contended they were entitled to do by the bull of Pope Honorius the Fourth, granted in the year 1225; and, aware of the importance of making a vigorous stand at this moment, by their first canon it was appointed that an annual council should be held in Scotland; and by their second, that each of the bishops should assume, in rotation, the office of "Protector of the Statutes," or Conservator Statutorum. These canons remain to this day an interesting specimen of the ancient ecclesiastical code of Scotland.[2]

About this time happened an incident of a romantic nature, with which important consequences were connected. A Scottish knight of high birth, Robert de Bruce, son of Robert de Bruce, lord of Annandale and Cleveland, was passing on horseback through the domains of Turnberry, which belonged to Marjory, countess of Carrick.[3] The lady happened at the moment to be pursuing the diversion of the chase, surrounded by a retinue of her squires and damsels. They encountered Bruce. The young countess was struck by his noble figure, and courteously entreated him to remain and take the recreation of hunting. Bruce, who, in those feudal days, knew the danger of paying too much attention to a ward of the king, declined the invitation, when he found himself suddenly surrounded by the attendants; and the lady, riding up, seized his bridle, and led off the knight, with gentle violence, to her castle of Turnberry. Here, after fifteen days' residence, the adventure concluded as might have been anticipated. Bruce married the countess

[1] Fordun a Goodal, vol. ii. p. 109, book x. chap. xxiv. Holinshed, vol. i. p. 406, gives as the names of the crusading nobles, the Earls of Carrick and Athole, John Steward, Alexander Cumin, Robert Keith, George Durward, John Quincy, and William Gordon.

[2] These canons were printed by Wilkins in his Concilia, and in a small 4to by Lord Hailes. See Hailes' Hist. vol. i. p. 149.

[3] Although all the historians call this lady Martha, yet she is named Marjory by her son, King Robert Bruce. Register of the Great Seal, p. 108; and Marjory was the name of King Robert's daughter.

without the knowledge of the relations of either party, and before obtaining the king's consent; upon which Alexander seized her castle of Turnberry and her whole estates. The intercession of friends, however, and a heavy fine, conciliated the mind of the monarch. Bruce became, in right of his wife, Lord of Carrick; and the son of this marriage of romantic love was the great Robert Bruce, the restorer of Scottish liberty.[1]

Two years previous to this (1272) died Henry the Third of England,[2] after a reign of nearly sixty years. His character possessed nothing that was great; his genius was narrow; his temper wavering; his courage, happily, seldom tried; and he was addicted, like many weak princes, to favouritism. At times, however, he had permitted himself to be guided by able ministers; and the vigour, talents, and kingly endowments of his son, Edward the First, shed a lustre over the last years of his reign, which the king himself could never have imparted to it. At the coronation of this great prince, who succeeded Henry, Alexander, and his queen, the new king's sister, attended with a retinue of great pomp and splendour. He took care, however, to obtain a letter under the hand of the English monarch, declaring that the friendly visit should not be construed into anything prejudicial to the independence of Scotland,[3]—a policy which the peculiarities of feudal tenure made frequent at this time; for we find Edward himself, when some years afterwards he agreed to send twenty ships to the King of France, his feudal superior for the duchy of Normandy, requiring from that prince an acknowledgment of the same description.

The designs of Edward upon Scotland had not yet, in any degree, betrayed themselves, and the kingly brothers appear to have met on cordial terms. Both were in the prime of manhood, Alexander having entered, and Edward having just completed, his thirty-fourth year. Scotland, still unweakened by the fatal controversies between Bruce and Baliol, was in no state to invite ambitious aggression. The kingdom was peaceful, prosperous, and loyal, possessing a warlike and attached nobility, and a hardy peasantry, lately delivered, by the defeat of Haco and the wise acquisition of the Western Isles, from all disturbance in the only quarter where it might be dreaded; and from the age of Alexander, and his queen, who had already born him three children, the nation could look with some certainty to a successor. Edward, on the other hand, who had lately returned from Palestine, where he had greatly distinguished himself, received his brother-in-law with that courtesy and kindness which was likely to be increased by his long absence, and by the perils he had undergone. About this time the Pope sent into Scotland an emissary named Benemund de Vicci, corrupted into Bagimont, to collect the tenth of all the ecclesiastical benefices, the estimate being made not according to the "ancient extent, but the true value." The tax appears to have been strictly exacted, and went by the name of Bagimont's Roll.[4]

All went prosperously on between Edward and Alexander for some time. A dispute which had occurred between the King of Scots and the Bishop of Durham, in which that prelate complained that an encroachment had been made upon the English marches, was amicably settled; and Edward, occupied entirely with his conquest of Wales,—and according to his custom, whenever engaged in war, concentrating his whole energies upon one point,—had little leisure to think of Scotland. The domineering disposition of the English king first shewed itself regarding the feudal service of homage due to him by his Scottish brother, for the lands which he held in England; and he seems early to have formed the scheme of entrapping Alexander into the performance of a homage so vague and unconditional, that

[1] Fordun a Goodal, vol. ii. p. 114, book x. chap. xxix.

[2] On 16th Nov. 1272.

[3] Ayloffe's Calendar of Ancient Charters, 328, 342. Leland's Collectanea, vol. ii. p. 471.

[4] Fordun a Hearne. p. 780

it might hereafter be construed into the degrading acknowledgment that Scotland was a fief of England.

In 1277 we find him writing to the Bishop of Wells that his beloved brother, the King of Scotland, had agreed to perform an unconditional homage, and that he was to receive it at the ensuing feast of Michaelmas.[1] This, however, could scarcely be true; the event shewed that Edward had either misconceived or misstated the purpose of Alexander. He appeared before the English parliament at Westminster, and offered his homage in these words:—"I, Alexander, king of Scotland, do acknowledge myself the liegeman of my Lord Edward, king of England, against all deadly." This Edward accepted, reserving his claim of homage for the kingdom of Scotland, when he should choose to prefer it. The King of Scots then requested that the oath should be taken for him by Robert de Bruce, earl of Carrick, which being granted, that earl took the oath in these words:—

"I, Robert, earl of Carrick, according to the authority given to me by my lord the King of Scotland, in presence of the King of England, and other prelates and barons, by which the power of swearing upon the soul of the King of Scotland was conferred upon me, have, in presence of the King of Scotland, and commissioned thereto by his special precept, sworn fealty to Lord Edward, king of England, in these words:—'I, Alexander, king of Scotland, shall bear faith to my lord Edward, king of England, and his heirs, with my life and members, and worldly substance; and I shall faithfully perform the services, used and wont, *for the lands and tenements which I hold of the said king.*'" Which fealty being sworn by the Earl of Carrick, the King of Scotland confirmed and ratified the same.[2] Such is an exact account of the homage performed by Alexander to Edward, as given in the solemn instrument by which the English monarch himself recorded the transaction. Alexander probably had not forgotten the snare in which Edward's father had attempted to entrap him, when still a boy; and the reservation of an unfounded claim over Scotland might justly have incensed him. But he wished not to break with Edward: he held extensive territories in England, for which he was willing, as he was bound in duty, to pay homage; yet he so guarded his attendance at Edward's coronation, and his subsequent oath of fealty, that the independence of Scotland as a kingdom, and his own independence as its sovereign, were not touched in the most distant manner; and the King of England, baffled in his hope of procuring an unconditional homage, was forced to accept it as it was given. It is material to notice, that in the instrument drawn up afterwards, recording the transaction, Edward appears to declare his understanding that this homage was merely for the Scottish king's possessions in England, by again reserving his absurd claim of homage for Scotland, whenever he or his heirs should think proper to make it.

This matter being concluded, Alexander, who had suffered a severe domestic affliction in the death of his queen,[3] began to seek alliances for his children. He married his daughter Margaret to Eric, king of Norway, then a youth in his fourteenth year. Her portion was fourteen thousand marks, the option being left to her father to give one half of the sum in lands, provided that the rents of the lands were a hundred marks yearly for every thousand retained. The price of land at this early period of our history seems, therefore, to have been ten years' purchase.[4] The young princess, accompanied by Walter Bullock, earl of Men-

[1] Rymer, Fœdera, vol. ii. p. 109.

[2] Rymer, Fœdera, vol. ii. p. 126. Tyrrel, vol. iii. p. 22, misled by Knighton, book iii. chap. i., erroneously says that the homage was performed by Alexander at Edward's coronation, and adds, that historians do not say whether it was for Scotland, or for the earldom of Huntingdon.

[3] Winton, vol. i. p. 391.

[4] The marriage-contract, which is very long and curious, is to be found in Rymer, vol. ii. p. 1079, dated 25th July 1281. Fordun a Goodal, vol. ii. p. 125.

teith, his countess, the Abbot of Balmerino, and Bernard de Monte-alto, with other knights and barons, sailed for Norway; and on her arrival was honourably received and crowned as queen. The alliance was wise and politic. It promised to secure the wavering fealty of those proud and warlike island chiefs, who, whenever they wished to throw off their dependence on Scotland, pretended that they were bound by the ties of feudal vassalage to Norway, and whose power and ambition often required the presence of the king himself to quell.[1]

This marriage was soon after followed by that of Alexander the Prince of Scotland, then in his nineteenth year, to Margaret, a daughter of Guy, earl of Flanders; the ceremony being performed at Roxburgh, and accompanied with fifteen days' feasting. Such alliances, so far as human foresight could reach, promised happiness to Alexander, while they gave an almost certain hope of descendants. But a dark cloud began to gather round Scotland, and a train of calamities, which followed in sad and quick succession, spread despondency through the kingdom.[2] The Prince of Scotland, who from infancy had been of a sickly constitution, died not long after his marriage, leaving no issue; and intelligence soon after came from Norway that his sister, Queen Margaret, was also dead, having left an only child, Margaret, generally called the Maiden of Norway: David, the second son of Alexander, had died when a boy;[3] and thus the King of Scotland, still in the flower of his age, found himself a widower, and bereft by death of all his children.

To settle the succession was his first care; and for this purpose a meeting of the Estates of the realm was held at Scone, on the 5th of February 1283–4. The prelates and barons of Scotland there bound themselves to acknowledge Margaret, princess of Norway, as their sovereign, failing any children whom Alexander might have, and failing any issue of the Prince of Scotland deceased.[4] The parliament in which this transaction took place, having assembled immediately after the death of the prince, it was uncertain whether the princess might not yet present the kingdom with an heir to the crown. In the meantime, the king thought it prudent to make a second marriage, and chose for his bride a young and beautiful woman, Joleta, daughter of the Count de Dreux. The nuptials were celebrated with great pomp, and in presence of a splendid concourse of the French and Scottish nobility, at Jedburgh. In the midst of the rejoicings, and when music and pastime were at the highest, a strange masque was exhibited, in which a spectral creature like Death glided with fearful gestures amongst the revellers, and at length suddenly vanished. The whole was no doubt intended as a mummery; but it was too well acted, and struck such terror into the festive assembly,[5] that the chronicler, Fordun, considers it as a supernatural shadowing out of the future misfortunes of the kingdom. These misfortunes too rapidly followed. Alexander, riding late near Kinghorn, was counselled by his attendants, as the night was dark, and the road precipitous, not to pass Inverkeithing till the morning. Naturally courageous, however, he insisted on galloping forward, when his horse suddenly stumbled over a rocky cliff above the sea, fell with its rider, and killed him on the spot.[6] He died in the forty-fifth year of his age, and the thirty-seventh of his reign; and his death, at this particular juncture, may be considered as one of the deepest amongst those national calamities which chequer the history of Scotland.

[1] In 1275, Alexander led an armed force against Man. Johnstone, Antiquit. Celto-Norm pp. 41, 42. In 1282, Alexander Comyn, earl of Buchan and Constable of Scotland, led an army to quell some island disturbances. Rymer, Fœdera, vol. ii. p. 205.

[2] Fordun a Goodal, vol. ii. p. 124. Winton, book vii. chap. x. vol. i. p. 391.

[3] Fœdera, vol. ii. p. 266.

[4] Winton, vol. i. p. 397. Fœdera, vol. ii. pp. 582, 1091.

[5] Fordun a Goodal, vol. ii. p. 128, book x. chap. xi.

[6] Triveti Annales, p. 267. He died March 16, 1285-6. Fordun a Goodal, vol. ii. p. 128

Alexander's person was majestic; and although his figure was too tall, and his bones large, yet his limbs were well formed and strongly knit. His countenance was handsome, and beamed with a manly and sweet expression, which corresponded with the courageous openness and sincerity of his character. He was firm and constant in his purposes; yet, guided by prudence and an excellent understanding, this quality never degenerated into a dangerous obstinacy. His inflexible love of justice, his patience in hearing disputes, his affability in discourse, and facility of access, endeared him to the whole body of his people; whilst his piety, untinctured with any slavish dread, whilst he acknowledged the spiritual supremacy of the popedom, rendered him the steadfast friend of his own clergy, and their best defender against any civil encroachments of the see of Rome. In his time, therefore, to use the words of the honest and affectionate Fordun—"The Church flourished, its ministers were treated with reverence, vice was openly discouraged, cunning and treachery were trampled under foot, injury ceased, and the reign of virtue, truth, and justice was maintained throughout the land." We need not wonder that such a monarch was long and affectionately remembered in Scotland. Attended by his justiciary, by his principal nobles, and a military force which awed the strong offenders, and gave confidence to the oppressed, it was his custom to make an annual progress through his kingdom, for the redress of wrong, and the punishment of delinquents. For this purpose, he divided the kingdom into four great districts; and on his entering each county, the sheriff had orders to attend on the kingly judge, with the whole militia of the shire,[1] and to continue with the court till the king had heard all the appeals of that county which were brought before him. He then continued his progress, accompanied by the sheriff and his troops; nor were these dismissed till the monarch had entered a new county, where a new sheriff awaited him with the like honours and attendance.

In this manner the people were freed from the charge of supporting those overgrown bands of insolent retainers which swelled the train of the Scottish nobles, when they waited on the king in his progresses; and as the dignified prelates and barons were interdicted by law from travelling with more than a certain number of horse in their retinue, the poor commons had leisure to breathe, and to pursue their honest occupations.[2]

In Alexander's time, many vessels of different countries came to Scotland, freighted with various kinds of merchandise, with the design of exchanging them for the commodities of our kingdom. The king's mind, however, was unenlightened on the subject of freedom of trade; and the frequent loss of valuable cargoes by pirates, wrecks, and unforeseen arrestments, had induced him to pass some severe laws against the exportation of Scottish merchandise. Burgesses, however, were allowed to traffic with these foreign merchantmen; and in a short time the kingdom became rich in every kind of wealth; in the productions of the arts and manufactures; in money, in agricultural produce,[3] in flocks and herds; so that many, says an ancient historian, came from the West and East to consider its power, and to study its polity. Amongst these strangers, there arrived, in a great body, the richest of the Lombard merchants, who offered to establish manufacturing settlements in various parts of the country. They specified among other places the mount above Queensferry, and an island near Cramond, and only

[1] Fordun a Goodal, book x. chap. xli. vol. ii. p. 129.

[2] Fordun a Goodal, book x. chap. xli. vol ii. pp. 129, 130.

[3] Yhwmen, pewere Karl, or Knawe
That wes of mycht an ox til hawe,
He gert that man hawe part in pluche;
Swa wes corn in his land enwche;
Swa than begouth, and efter lang
Of land wes mesure, ane ox-gang.
Mychty men that had má
Oxyn, he gert in pluchys ga.
Be that vertu all his land
Of corn he gert be abowndand.
—Winton, vol. i. p. 400

asked of the king certain spiritual immunities. Unfortunately, the proposal of these rich and industrious men, for what cause we cannot tell, proved displeasing to some powerful members of the state, and was dismissed; but from an expression of the historian, we may gather that the king himself was desirous to encourage them, and that favourable terms for a settlement would have been granted, had not death stept in and put an end to the negotiation.[1]

The conduct pursued by this king, in his intercourse with England, was marked by a judicious union of the firmness and dignity which became an independent sovereign with the kindliness befitting his near connexion with Edward; but, warned by the attempts which had been first made by the father and followed up by the son, he took care that when invited to the English court, it should be expressly acknowledged[2] that he came there as the free monarch of an independent country.

To complete the character of this prince, he was temperate in his habits, his morals were pure, and in all his domestic relations kindness and affection were conspicuous.[3] The oldest Scottish song, which has yet been discovered, is an affectionate little monody on the death of Alexander, preserved by Winton, one of the fathers of our authentic Scottish history.[4]

[1] Fordun, book x. chap. xli. xlii. vol. ii. pp. 129, 130.

[2] Ayloffe's Calendar of Ancient Charters, p. 328.

[3] Towards the conclusion of this reign, it is said that an awful visitant for the first time appeared in Scotland—the plague; but we cannot depend on the fact, for it comes from Boece.—Hailes, vol. i. p. 307.

[4] Quhen Alysandyr, oure kyng, wes dede,
That Scotland led in luwe* and le,†
Away wes sons of ale and brede,
Of wyne and wax, of gamyn and gle.
Oure gold wes changyd into lede.—
Christ, born in-to virgynyte,
Succour Scotland, and remede,
That stad‡ is in perplexyte.
—Winton, vol. i. p. 401.

* Love. † Le, tranquillity. ‡ Placed, or situated.

MARGARET, THE MAIDEN OF NORWAY.

Margaret, the grand-daughter of Alexander, and grand-niece to Edward the First, who had been recognised as heir to the crown in 1284, was in Norway at the time of the king's death. A parliament, therefore, assembled at Scone on the 11th of April 1286; and a regency, consisting of six guardians of the realm, was, by common consent, appointed.[5] The administration of the northern division of Scotland, beyond the Firth of Forth, was intrusted to Fraser, bishop of St Andrews, Duncan, earl of Fife, and Alexander, earl of Buchan. The government of the country to the south of the Forth was committed to Wishart, the bishop of Glasgow, John Comyn, lord of Badenoch, and James, the High Steward of Scotland.[6]

In this parliament, a keen debate on the succession to the crown arose between the partisans of Bruce and Baliol. Nor were these the only claimants. Nothing but the precarious life of an infant now stood between the crown of Scotland and the pretensions of other powerful competitors, whose relationship to the royal family, as it raised their hopes, encouraged them to collect their strength, and gave a legal sanction to their ambition. Edward the First of England, whose near connexion with the young Queen of Scotland and the heretrix of Norway made him her natural protector, was at this time in France. On being informed of the state of confusion into which the death of Alexander was likely to plunge a kingdom which had been for some time the object of his ambition, the project of a marriage between the young queen and his son, the Prince of Wales, was too apparent not to suggest itself. But this monarch, always as cautious of too suddenly unveiling his purposes as he was determined in pursuing them, did not immediately declare his wishes. He

[5] Winton, vol. ii. p. 10. Fordun a Goodal, vol. ii. p. 138.

[6] Fordun a Hearne, p. 951.

contented himself with observing the turn which matters should take in Scotland, certain that his power and influence would in the end induce the different parties to appeal to him; and confident that the longer time which he gave to these factions to quarrel among themselves and embroil the country, the more advantageously would this interference take place. The youth of the King of Norway, father to the young Princess of Scotland, was another favourable circumstance for Edward. Eric was only eighteen. He naturally looked to Edward, the uncle of his late wife, for advice and support; and, fearful of trusting his infant and only daughter, scarce three years old, to the doubtful allegiance of so fierce and ambitious a nobility as that of Scotland, he determined to keep her for the present under his own eye in Norway.

Meanwhile a strong party was formed against her amongst the most powerful of the Scottish barons. They met (Sept. 20, 1286) at Turnberry, the castle of Robert Bruce, earl of Carrick, son of Robert Bruce, lord of Annandale and Cleveland. Here they were joined by two powerful English barons, Thomas de Clare, brother of Gilbert, earl of Gloucester, and Richard de Burgh, earl of Ulster.[1] Thomas de Clare was nephew to Bruce's wife, and both he and his brother, the Earl of Gloucester, were naturally anxious to support Bruce's title to the crown as the descendant of David, earl of Huntingdon, brother of King William the Lion.[2] Nor was the scheme in any respect a desperate one, for Bruce already had great influence. There assembled at Turnberry, Patrick, earl of Dunbar, with his three sons; Walter Stewart, earl of Menteith; Bruce's own son, the earl of Carrick, and Bernard Bruce; James, the High Steward of Scotland,[3] with John, his brother; Angus, son of Donald the Lord of the Isles, and Alexander, his son. These barons, whose influence could bring into the field the strength of almost the whole of the west and south of Scotland, now entered into a bond or covenant, by which it was declared that they would thenceforth adhere to and take part with one another, on all occasions, and against all persons, saving their allegiance to the King of England, and also their allegiance to him who should gain the kingdom of Scotland by right of descent from King Alexander, then lately deceased.[4] Not long after this, the number of the Scottish regents was reduced to four, by the assassination of Duncan, earl of Fife, and the death of the Earl of Buchan; the Steward, another of the regents, pursuing an interest at variance with the title of the young queen, joined the party of Bruce, heart-burnings and jealousies arose between the nobility and the governors of the kingdom. These soon increased, and at length broke into an open war between the parties of Bruce and Baliol, which for two years after the death of the king continued its ravages in the country.[5]

The event which the sagacity of Edward had anticipated now occurred. The states of Scotland were alarmed at the continuance of civil commotions; and, in a foolish imitation of other foreign powers who had applied to Edward to act as a peacemaker, sent the Bishop of Brechin, the Abbot of Jedburgh, and Geoffrey de Mowbray, as ambassadors to the King of England, requesting his advice and mediation towards composing the troubles of the kingdom.[6] At the

[1] Fœdera, vol. ii. p. 488.

[2] Gough, in his Additions to Camden's Britannia, vol. i. p. 265, mentions that Gilbert, earl of Gloucester, brother of Robert de Bruce's wife, having incurred the resentment of Edward the First, was dispossessed of all his lands; but the king afterwards restored him, and gave him his daughter in marriage. The convention at Turnberry was perhaps the cause of Edward's resentment.

[3] James, the High Steward, married Cecilia, daughter of Patrick, earl of Dunbar. Andrew Stewart's Hist. of the Stuarts, p. 16.

[4] The original is alluded to by Dugdale, vol. i. p. 216. See also Rot. Compot. Temp. Custodum Regni, p. 62.

[5] This war, hitherto unknown to our historians, is proved by documents of unquestionable authority. Excerpta e Rotulo Compotorum Tempore Custodum Regni, pp. 56, 62.

[6] Fordun a Goodal, pp. 137, 138, vol ii., places this embassy in 1286. It probably oc-

same time, Eric, king of Norway, despatched plenipotentiaries to treat with Edward regarding the affairs of his daughter the queen, and her kingdom of Scotland. The king readily accepted both offers; and finding his presence no longer necessary in France, returned to England, to superintend in person those measures of intrigue and ambition which now entirely occupied his mind. "Now," said he, to the most confidential of his ministers, "the time is at last arrived when Scotland and its petty kings shall be reduced under my power."[1] But although his intentions were declared thus openly in his private council, he proceeded cautiously and covertly in the execution of his design. At his request, the Scottish regents appointed the Bishops of St Andrews and Glasgow, assisted by Robert Bruce, lord of Annandale, and John Comyn, to treat in the presence of the King of England regarding certain matters proposed by the Norwegian commissioners, and empowered them to ratify whatever was there agreed on, "saving always the liberty and honour of Scotland;" and provided that from such measures nothing should be likely to occur prejudicial to that kingdom and its subjects.[2] To this important conference the king, on the part of England, sent the Bishops of Worcester and Durham, with the Earls of Pembroke and Warrene.

The place appointed was Salisbury; but previous to the meeting of the plenipotentiaries, Edward had secretly procured a dispensation from the Pope for the marriage of his son, the Prince of Wales, to the young Princess of Norway, as the youthful pair were within the forbidden degrees.[3] No hint, however, of this projected union was yet suffered to transpire; and the commissioners met at Salisbury, where a treaty was drawn up, in which no direct allusion was made to the marriage, although it included provisions which evidently bore upon this projected union.

It was there stipulated by the commissioners for Norway, that the young queen should be sent into the kingdom of Scotland or England, untrammelled by any matrimonial engagement, before the feast of All Saints in the next year; and that on this first condition being fulfilled, the King of England should send her into Scotland, also free from all matrimonial engagements, as soon as he was assured that this kingdom was in such a state of tranquillity as to afford her a quiet residence. This wide and convenient clause evidently gave Edward the power of detaining the heretrix of the crown for an almost indefinite period in England; and its being inserted in this treaty proves that although Bruce, by accepting the office of commissioner, appeared to have abandoned his son's claim to the crown, Edward was suspicious that the interest which looked to a male successor to the crown was still pretty high in Scotland. By the third article, the States of Scotland undertook, before receiving their queen, to find security to the King of England that she should not marry without his counsel and consent, and that of the King of Norway. The Scottish commissioners next engaged for themselves that the quiet of the kingdom of Scotland should be established before the arrival of the queen, so that she might enter her dominions with safety, and continue therein at her pleasure. With regard to the removal of guardians, or public officers in Scotland, it was determined that should any of these be suspected persons, or troublesome to the King of Norway or the Queen of Scotland, they should be removed, and better persons appointed in their place, by the advice of the "*good men*" of Scotland and Norway, and of persons selected for this purpose by the King of England; and it was stipulated that these English commissioners were ultimately to decide all disputes regarding public measures, which might occur between the ministers of Scot-

curred later. Eric's letter to Edward is dated April 1289. Rymer, vol. ii. p. 416.

[1] Fordun a Goodal, book xi. chap. iii. p. 139.
[2] Rymer, vol. ii. p. 431. Date, Oct. 3, 1289.
[3] Ibid. vol. ii. p. 450.

land and Norway, as well as all differences arising amongst the Scottish ministers themselves. It was finally agreed, that in the middle of the ensuing Lent there should be a meeting of the Estates of Scotland at Roxburgh; by which time the Scottish plenipotentiaries engaged that everything to which they had now consented should be fulfilled and ratified in the presence of the commissioners of England.[1] Of this convention three copies were made: one in Latin, which was transmitted to the King of Norway; and two in French, retained for the use of the Scots and English. At this period, the majority of the nobility of both countries were of Norman-French extraction, and Norman-French was alike in England and Scotland the language in which state affairs were generally conducted.

By this treaty, which gave so much power to Edward, and left so little to the Estates of Scotland, it is evident that some of the Scottish commissioners were in the interest of the English king. Bruce, lord of Annandale, had either altered his ambitious views, or he trusted that a temporary concealment of them, and the dissatisfaction which such a convention must occasion in Scotland, might ultimately turn to his advantage. Edward, in the meantime, neglected nothing which could secure or increase the power which he had acquired. He addressed a letter to the Estates of Scotland, requiring them to be obedient to their regents, and informing them that he meant to send into that country some of the members of his council, from whom he might receive correct information of its condition.[2] Although a dispensation from the Pope was already obtained, no allusion to the intended marriage between Prince Edward and the young queen had been made throughout the whole treaty: Edward, with his usual calm foresight, seems privately to have directed the Scottish commissioners at Salisbury, three of whom were regents, to sound the nobility of Scotland on their return, and discover the feelings of the people regarding the projected union.

Accordingly, as soon as the important project became generally known, a meeting of the Estates of Scotland assembled at Brigham, a village on the Tweed, near Roxburgh, and from thence directed a letter to Edward, which was signed by the dignified clergy, and by all the earls and barons of the realm. It stated that they were overjoyed to hear the good news which were now commonly spoken of, —"that the Apostle had granted a dispensation for the marriage of Margaret, their dear lady and their queen, with Prince Edward." It requested King Edward to send them early intelligence regarding this important measure; and assured him of their full and ready concurrence, provided certain reasonable conditions were agreed to, which should be specified by delegates, who would wait upon him at his parliament, to be held next Easter at London.[3]

A letter[4] was at the same time despatched by this assembly of the States to Eric, king of Norway, which informed him of their consent to the marriage; and requested him to fulfil the terms of the treaty of Salisbury,

1 Rymer, Fœdera, vol. ii. pp. 446, 447.
2 Ibid. p. 445.

3 Rymer, vol. ii. p. 471.
4 This important letter is in Norman French, and as follows:—

"A tres noble Prince, Sire Eyrik, par la grace de Deu, Roy de Norway, Guillam e Robert, par meme cele grace, de Seint Andreu e de Glasgu Eveskes, Johan Comyn, & James Seneschal de Escoce, Gardains de Reaume de Escoce, e tote la commune de meyme cele Reaume, salut & totes honurs.

"Come nus feumes certayns ke vous seez desirous del honur, & del profist de nostre Dame, vostre fille, & de tute le Reaume de Escoce, par encheson de ly: e le Apostoylle ad grante, & fete dispensacion, solom coe ke communement est parle en diverses partys de Mound, ke le Fitz & le Heyr le Roy de Engletere pusse nostre dame, vostre fille, en femme prendre, nin ostaunt procheynette de Saunk.

"Nus, par commun assent de tut le Reaume de Escoce, e pur le grant profist del un & del autre Reaume, ke le mariage se face, si issint seit, avums uniement accorde, e communement assentu.

"Pur la queu chose nus priums & requerums vostre hautesse, ke il vous pleyse issint ordiner, e ceste bosoyne adrescer endroit de vous; ke meyme cele voustre fille

by sending over the young queen, at the latest before the Feast of All Saints; and intimating to him that, if this were not done, they should be obliged to follow the best counsel which God might give them, for the good of the kingdom. The nobility of Scotland could not be more anxious than Edward for the arrival of the intended bride; but the king employed a more effectual way than entreaty, by despatching to Norway one of his ablest counsellors, Anthony Beck, bishop of Durham, who, under the plausible name of pensions, distributed money among the Norwegian ministers, and obtained a promise that she should immediately be sent to England.[1] So assured of this was Edward, that, on the arrival of the Scottish envoys to his parliament held in Easter, he came under an engagement to pay 3000 marks to Scotland if Margaret did not reach England, or her own country, before the Feast of All Saints. He next appointed the Bishop of Durham, and five other plenipotentiaries, to attend a meeting of the Scottish Estates, which was held at Brigham, (July 1290,) intrusting them with full powers to conclude that treaty, on the basis of which the marriage was to take place, and, after due conference, to concur in those securities which the Scottish Estates demanded for the preservation of the independence of their country.

Dame puysse en Engletere venir a plus tous ke estre purra;

"Issint ke, a plus tart, seit en meme la terre avaunt la tut Seynt procheyn avenir, si com, de sa venue, est acorde, devaunt le vaunt dyt Roys de Engletere, entre nous & voz messages, ke iloekes vyndrunt de par vus.

"Et taunt en facet, Sire, si vous plest, ke nous vous saums le plus tenu a tou Jurs; ke, si il avenoyt ke vous ceste chose ne feisset, il nus covendroit, en ceste chose, prendre le meillour conseyl ke Deus nus dorra pur le estat du Reaume, & la bone gent de la terre.

"En temonage de les avauntdite choses nus, Gardeyns du Reaume, & la commune avantdyt, en nom de nus le Seal commun, que nus usom en Escoce, en nom de nostre Dame avaundyt, avum fet mettre a ceste lettre.

"Done a Brigham, le Vendredy procheyn a pres la Feste Seynt Gregorie, le An de nostre Seygnur 1289." Rymer, vol. ii. p. 472.

See Illustrations, Letter E.

[1] Rymer vol. ii. p. 479.

The principal articles of this treaty of Brigham are of much importance, as illustrating the justice and the inveteracy of that long war, which afterwards desolated the kingdoms. It was agreed by the English plenipotentiaries that the rights, laws, liberties, and customs of Scotland were to be inviolably observed in all time coming, throughout the whole kingdom and its marches, saving always the rights which the King of England, or any other person, has possessed, before the date of this treaty, in the marches or elsewhere; or which may accrue to him in all time coming. It was stipulated also that, failing Margaret and Edward, or either of them, without issue, the kingdom should belong to the nearest heirs, to whom it ought of right to return, wholly, freely, absolutely, and without any subjection; so that nothing shall either be added to, or taken from, the rights of the King of England, of his heirs, or of any other person whatever. The queen, if she should survive her husband, was to be given up to the Scottish nation, free from all matrimonial engagement; and, on the marriage, to be secured in a jointure befitting her rank. The kingdom of Scotland was for ever to remain separate and undivided from England, free in itself, and without subjection, according to its ancient boundaries and marches. With regard to the ecclesiastical privileges of the country, it was provided that the chapters of churches, which possessed the right of free election, were not to be compelled to travel forth of Scotland for leave to elect, or for the presentation of the bishop or dignitary, or for the performance of fealty to the sovereign. No crown-vassal, widow, orphan, or ward of the crown was to be under the necessity of performing their homage or relief out of the kingdom; but a person was to be appointed in Scotland to receive the same, by the authority of the queen and her husband. From this clause was reserved the homage which ought to be performed in the presence of the king, and fealty having been once sworn, *sasine* or legal possession

of the land, was immediately to be given by a brief from Chancery.

It was anxiously and wisely provided, that no native of Scotland was, in any case whatever, to be compelled to answer out of the kingdom regarding any civil covenant or criminal delinquency which had taken place in Scotland, as such compulsion was contrary to the ancient laws and usages of the realm; and that no parliament was to be held without the boundaries of the kingdom, as to any matters affecting the condition of its subjects. Until the arrival of the queen, the great seal of Scotland was to be used in all matters relating to God, the Church, and the nation, as it had been used during the life and after the death of the late king; and on the queen's arrival in her dominions, a new seal, with the ancient arms of Scotland alone, and the single name of the queen engraven thereon, was to be made and kept by the chancellor; it being also provided, that the chancellors, justiciars, chamberlains, clerks of the rolls, and other officers of the realm, were to be natives of Scotland, and resident there.

All charters, grants, relics, and other muniments, touching the royal dignity of the kingdom of Scotland, were to be deposited in a safe place within that kingdom, and to be kept in sure custody under the seals of the nobility, and subject to their inspection until the queen should arrive, and have living issue; and before this event took place, no alienation, encumbrance, or obligation, was to be created in any matters touching the royal dignity of the kingdom of Scotland; and no tallage, aids, levies of men, or extraordinary exactions to be demanded from Scotland, or imposed upon its inhabitants, except for the common affairs of the realm, or in the cases where the kings of Scotland have been wont to demand the same. It was proposed by the Scots that the castles and fortresses should not be fortified anew upon the marches; but the English commissioners, pleading the defect of their instructions, cautiously waved the discussion of this point.

To all the articles in the treaty, the guardians and community of Scotland gave their full consent, under the condition that they should be ratified within a certain time.[1] If not so confirmed, they were to be esteemed void; but Edward was too well satisfied with the terms of the negotiation to postpone this condition, and accordingly, without delay, pronounced the oath which was required. His next was one of those bold and unwarrantable steps which frequently marked the conduct of this ambitious and able monarch. He pretended that, without the presence of an English governor, he could not fulfil the terms of his oath to maintain the laws of Scotland; and although no such authority was given him by the treaty, he appointed Anthony Beck, bishop of Durham, to the office of Governor of Scotland, in the name of Margaret the queen, and his son Edward, and for the purpose of acting in concert with the regents, prelates, and nobles, in the administration of that kingdom, according to its ancient laws and usages.[2] Edward had already gained to his interest two of the Scottish regents. By this measure he trusted that he could overrule their deliberations; and, grown confident in his power, he intimated to the Estates, "that certain rumours of danger and perils to the kingdom of Scotland having reached his ears, he judged it right that all castles and places of strength in that kingdom should be delivered up to him."[3]

This demand effectually roused the Scots; and Sir William Sinclair, Sir Patrick Graham, and Sir John Soulis,[4] with the other captains of the Scottish castles, peremptorily refused, in the name of the community of Scotland, to deliver its fortresses to any one but their queen and her intended husband, for whose behoof they were ready to bind themselves by oath to keep and defend them. With this firm reply Edward was obliged to be satisfied;

[1] Before the Feast of the Virgin's Nativity.
[2] Rymer, vol. ii. pp. 487, 488.
[3] Ibid. p. 488.
[4] These three knights had been high in the confidence of Alexander the Third. Fordun a Hearne, p. 785.

and, sensible that he had overrated his influence, he patiently awaited the arrival of the young queen.

It was now certain that she had sailed; the guardians of the realm, accompanied by commissioners from England, were preparing to receive her; and all eyes, in both countries, were turned towards the sea, anxious to welcome the child on whom so many fair hopes depended, when accounts were brought that she had been seized with a mortal disease on her passage, and had died at Orkney. She was only in her eighth year. This fatal event, which may justly be called a great national calamity, happened in September 1290, and its first announcement struck sorrow and despair into the heart of the kingdom. In 1284, the crown had been solemnly settled on the descendants of Alexander the Third; but the parliament and the nation, confident in the vigorous manhood of the king, and the health of his progeny, had looked no further. All was now overcast. The descendants of Alexander were extinct; and Bruce and Baliol, with other noble earls or barons who claimed kindred with the blood-royal, began, some secretly, some more boldly, to form their schemes of ambition, and gather strength to assert them.

Previous to the report of the queen's death, a convention of the Scottish Estates had been held at Perth to receive Edward's answer to the refusal of delivering their castles. To this meeting of the Estates Robert Bruce, lord of Annandale, refused to come; and a great part of the nobility made no concealment of their disgust at the arrogant and unprecedented demands of the English king.[1] When the sad news was no longer doubtful, the miseries attendant on a contested throne soon began to shew themselves. Bruce assembled a large force, and suddenly came to Perth. Many of the nobility declared themselves of his party, and the Earls of Mar and Athole joined him with all their followers. If the nation and its governors had been true to themselves, all might yet have gone well; but the money and power of England had introduced other councils. One of the guardians, William Fraser, bishop of St Andrews, who had embraced the interests of Baliol, addressed a letter to Edward upon the first rumour of the queen's death, informing him of the troubled state of the country, and the necessity of his interposition to prevent the nation from being involved in blood. "Should John de Baliol," says he, "present himself before you, my counsel is, that you confer with him, so that, at all events, your honour and interest may be preserved. Should the queen be dead, which heaven forefend, I entreat that your highness may approach our borders, to give consolation to the people of Scotland, to prevent the effusion of blood, and to enable the faithful men of the realm to preserve their oath inviolable, by choosing him for their king who by right ought to be so."[2]

Edward's mind was not slow to take full advantage of this unwise application;[3] and the death of the young queen, the divisions amongst the Scottish nobility, and the divided state of the national mind as to the succession, presented a union of circumstances too favourable for his ambition to resist. The treaty of Brigham, although apparently well calculated to secure the independence of Scotland, contained a clause which was evidently intended to leave room for the pretended claim of the feudal superiority of England over this country; and even before the death of the Maid of Norway, Edward, in writs which he took care should be addressed only to persons in his own interest, had assumed the title of lord superior of the kingdom of Scotland.[4] Fully aware of the favourable conjuncture in which he was placed, and with that union of sagacity, boldness, and unscrupulous ambition which characterised his mind,

[1] Rymer, Fœdera, vol. ii. p. 1090.

[2] Rymer, Fœdera, vol. ii. p. 1090.

[3] I have here availed myself of the criticisms of an acute writer in the Edinburgh Review, to modify my former censure of this prelate.—"Edinburgh Review," No. 133. Palgrave's "Illustrations of Scottish History."

[4] Prynne, Ed. I. pp. 430-450.

he at once formed his plan, and determined, in his pretended character of lord superior, to claim the office of supreme judge in deciding the competition for the crown. His interference, indeed, had already been solicited by the Bishop of St Andrews; there is reason also to suspect, from some mutilated and undated documents recently discovered, that Bruce and his adherents had not only claimed his protection at this moment, but secretly offered to acknowledge his right of superiority;[1] but there is no authority for believing that any national proposal was, at this time, made by the Scottish Parliament, requesting his decision as arbiter, in a question upon which they only were entitled to pronounce judgment. The motives of Edward's conduct, and the true history of his interference, are broadly and honestly stated, in these words of an old English historian:—"The King of England, having assembled his privy council and chief nobility, told them that he had it in his mind to bring under his dominion the king and the realm of Scotland, in the same manner that he had subdued the kingdom of Wales."[2]

For this purpose, he deemed it necessary to collect his army, and issued writs to his barons and military tenants, commanding them to meet at Norham on the 3d June 1291.[3] The sheriffs of the counties of York, Lancaster, Westmoreland, Cumberland, and Northumberland, were also directed to summon all within their jurisdiction who owed the king service, to repair to the rendezvous with their full powers; and, in the meantime, Edward requested the clergy and nobility of Scotland to hold a conference with him at Norham on the 10th of May, to which they consented.

The English king opened the deliberations in a speech delivered by his Justiciary, Roger Brabazon, in which, after an introductory eulogium upon the godlike and regal attribute of justice, and the blessings attendant on the preservation of tranquillity, he observed, that the sight of the great disturbances, which on the death of Alexander the Third had arisen in the kingdom of Scotland, was highly displeasing to him; on this account, and for the purpose of satisfying those who had claims upon the crown, and for the confirmation of peace in the land, he had requested its nobility to meet him, and had himself travelled from remote parts, that he might do justice to all, in his character of Lord Paramount, and without encroaching upon the rights of any man. "Wherefore," concluded the Justiciary, "our lord the king, for the due accomplishment of this design, doth require your hearty recognition of his title of Lord Paramount of the kingdom of Scotland."[4]

This unexpected demand struck dismay and embarrassment into the hearts of the Scottish assembly. They declared their entire ignorance that such a right of superiority belonged to the King of England; and added, that at the present conjuncture, when the country was without its king, in whose presence such a challenge ought to be made, they could give no answer.[5] "By holy Edward!" cried the King of England, "whose crown I wear, I will either have my rights recognised, or die in the vindication of them!" "And to make this speech good," says Hemingford, "he had issued writs for the convocation of his army; so that, in case of his demand being resisted, he might conquer all opposition, were it to the death."[6]

[1] I say "suspect," because I cannot agree with the discoverer of these muniments, Sir Francis Palgrave, or with his reviewer, that the appeal of Bruce and the Earl of Mar to Edward amounts to an absolute acknowledgment of his right as lord superior. As to Sir Francis Palgrave's fanciful theory, that there existed in the ancient kingdom of Scotland a constitutional body called "The Seven Earls," possessing high privileges as a distinct estate, it is certainly singular that, if such a body did exist, there should not be found the slightest traces of its acts, or its appearance, from the dawn to the close of Scottish history.—See on this point the critique on Palgrave's "Illustrations of Scottish History," in the Edinburgh Review, No. 133.

[2] Annales Waverleenses, p. 242. Script. Brit. a Gale, vol. ii.

[3] Rymer, vol. ii. p. 525.

[4] Hemingford, vol. i. p. 33.

[5] Walsingham, p. 56.

[6] Hemingford, p. 33.

The representatives of the Estates of Scotland, who were well aware of this, now found themselves placed in trying circumstances, and requested time to consult and deliberate with their absent members. Edward at first would give them only one day; but on their insisting that a longer interval was absolutely necessary, the king granted them three weeks to prepare all that they could allege against his pretensions. This delay the king well knew would be productive of some good consequences towards his great scheme, and, at any rate, could not possibly injure his ambitious views. Before these three weeks elapsed, his army would meet him at Norham. He had already insured the services of Fraser the regent;[1] and the money and promises which he judiciously distributed had induced no less than ten competitors to come forward and claim the Scottish crown. In this way, by the brilliant prize which he held out to the most powerful of the nobility of Scotland, he placed their private ambition and their public virtue in fatal opposition to each other. All hoped that if they resigned to Edward this right of superiority, they might receive a kingdom in return; and all felt that to rise up as the defenders of the independency of a country which was then torn by mutual distrust and civil disorder, which was without a king, without an army, and with the most powerful of its nobility leagued against it, would be a desperate undertaking against so able a general, so profound a politician, and so implacable an enemy, as Edward. I do not say this to palliate the disgraceful scene which followed, nor to insinuate that any circumstances can occur which entitle the subject of a free country to sacrifice its independence, but to prove that the transaction, which was truly a deep stain upon our history, was the act not of the Scottish nation, or of the assembled states of the nation, but of a corrupted part of the Scottish nobility.

[1] On August 13, 1291, Edward made a pilgrimage from Berwick to St Andrews, probably to consult with the bishop.

To return to the story. On the 2d of June, eight of the competitors for the crown assembled, along with many of the prelates, nobles, and barons of Scotland, on a green plain called Holywell Haugh, opposite to Norham Castle. These competitors were,—Robert Bruce, Florence, earl of Holland, John Hastings, Patrick Dunbar, earl of March, William de Ross, William de Vescy, Walter Huntercombe, Robert de Pynkeny, and Nicholas de Soulis. The Bishop of Bath and Wells, then Chancellor of England, spoke for the king. He told them that his master having on a former occasion granted them three weeks to prepare their objections to his claim of superiority, and they having brought forward no answer to invalidate his right, it was the intention of the King of England, in virtue of this acknowledged right, to examine and determine the dispute regarding the succession. The chancellor then turned to Robert Bruce, and demanded whether he was content to acknowledge Edward as Lord Paramount of Scotland, and willing to receive judgment from him in that character; upon which this baron expressly answered that he recognised him as such, and would abide by his decision. The same question was then put to the other competitors, all of whom returned the same answer. Sir Thomas Randolph then stood up, and declared that John Baliol, lord of Galloway, had mistaken the day, but would appear on the morrow; which he did, and then solemnly acknowledged the superiority of the English king. At this fourth assembly, the chancellor protested, in the name of the king, that although, with the view of giving judgment to the competitors, he now asserted his right of superiority, yet he had no intention of excluding his hereditary right of property in the kingdom of Scotland, but reserved to himself the power of prosecuting such right at whatever time, and in whatever way, he judged expedient.[2]

The king in person next addressed the assembly. He spoke in Norman-

[2] Rymer, Fœdera, vol. ii. p. 553

French; recapitulated the proceedings; and, with many professions of affection for the people of Scotland, declared his intention not only to pronounce a speedy decision in the controversy, but to maintain the laws and re-establish the tranquillity of the country. John Comyn, lord of Badenoch, called the Black Comyn, who had married a sister of Baliol, now came forward as a competitor for the crown, and acknowledged the superiority of Edward; after which, the claimants affixed their signatures to two important instruments. The first declared, that, "Forasmuch as the King of England has evidently shewn to us that the sovereign seignory of Scotland, and the right of hearing, trying, and terminating our respective claims, belongs to him, we agree to receive judgment from him, as our Lord Paramount. We are willing to abide by his decision, and consent that he shall possess the kingdom to whom he awards it."[1] By the second deed, possession of the whole land and castles of Scotland was delivered into the hands of Edward, under the pretence that the subject in dispute ought always to be placed in the hands of the judge; but on condition that Edward should find security to make a full restitution within two months after the date of his award, and that the revenues of the kingdom should be preserved for the future sovereign. It was next determined, after grave consultation with the prelates and earls, that, in order to prepare the point in dispute for an ultimate decision, Baliol and Comyn for themselves, and the competitors who approved of their list, should choose forty "discreet and faithful men" as commissioners; that Bruce, for himself, and the competitors who abided by his nomination, should choose other forty; and that Edward the king should select twenty-four commissioners, or, as he thought fit, a greater or lesser number. These commissioners were to meet in a body, to consider the claims of the competitors, and to make their report to the king.

On the 11th of June, the four regents of Scotland delivered the kingdom into the hands of Edward; and the captains and governors of its castles, finding that the guardians of the realm, and the most powerful of its nobility, had abandoned it to its fate, gave up its fortresses to his disposal. And here, in the midst of this scene of national humiliation, one Scottish baron stood forward, and behaved worthy of his country. The Earl of Angus, Gilbert de Umfraville, who commanded the important castles of Dundee and Forfar, declared that, having received these, not from England, but from the Estates of Scotland, he would not surrender them to Edward. A formal letter of indemnity was then drawn up, which guaranteed the Earl of Angus from all blame; and, in name of the claimants of the crown, and of the guardians of the realm, enjoined him to deliver the fortresses of which he held the keys. This removed the objection of Umfraville, and Dundee and Forfar were placed in the hands of Edward. The King of England, satisfied with this express acknowledgment of his rights as Lord Paramount, immediately redelivered the custody of the kingdom into the hands of the regents, enjoining them to appoint Alan, bishop of Caithness, an Englishman, and one of his dependants, to the important office of chancellor; and to nominate Walter Agmondesham, another agent of England, as his assistant. To the four guardians, or regents, Edward next added a fifth, Bryan Fitz-Alan, an English baron; and having thus secured an effectual influence over the Scottish councils, he proceeded to assume a generous and conciliating tone. He promised to do justice to the competitors within the kingdom of Scotland,[2] and to deliver immediate possession of the kingdom to the successful claimant; upon the death of any king of Scotland who left an heir, he engaged to wave his claim to those feudal services, which, upon such an

[1] Hemingford, vol. i. p. 34. Rymer, Fœdera, vol. ii. p. 529.

[2] Rymer, vol. ii. p. 532.

occasion, were rigidly exacted by lords superior in smaller fiefs, with the exception of the homage due to him as Lord Paramount; but he stipulated that, in the event of a disputed succession occurring, the kingdom and its castles were to be again delivered into his hands.[1]

The first act of this extraordinary drama now drew to a conclusion. The great seal, which had been brought from Scotland for the occasion, was delivered to the joint chancellors, the Bishop of Caithness and Walter Agmondesham. The four guardians, in the presence of a large concourse of English and Scottish nobility, swore fealty to Edward as lord superior; while Bruce, lord of Annandale, with his son, the earl of Carrick, John de Baliol, the Earls of March, Mar, Buchan, Athole, Angus, Lennox, and Menteith, the Black Comyn, lord of Badenoch, and many other barons and knights, followed them in taking the oaths of homage. A herald then proclaimed the peace of King Edward as Lord Paramount; and the monarch added a protestation, that his consent to do justice in this great cause within Scotland should not preclude him from his right of deciding in any similar emergency within his kingdom of England. The assembly then broke up, after an agreement that its next meeting should be at Berwick on the 2d of August, on which day the King of England promised to deliver his final judgment upon the succession to the crown of Scotland.[2]

It was now only the 13th of July, and Edward determined to employ the interval till the 2d of August in a progress through Scotland, for the purpose of receiving the homage of its inhabitants, and examining in person the disposition of the people, and the strength of the country. He proceeded, by Edinburgh and Stirling, as far as Perth, visiting Dunfermline, St Andrews, Kinghorn, and Linlithgow; and at these places peremptorily called upon persons of all ranks—earls, barons, and burgesses—to sign the rolls of homage, as vassals of the king of England.[3] In the more remote districts, which he could not visit, officers were appointed to receive the oaths, and enforce them by imprisonment upon the refractory;[4] and having thus examined and felt the temper of the country, which he had determined to reduce under his dominion, he returned to Berwick; where, in the presence of the competitors, with the prelates, earls, and barons of both countries, assembled in the chapel of the castle, he, on the 3d of August, opened the proceedings.

First of all, he commanded the hundred and four commissioners, or delegates, to assemble in the church of the Dominicans, adjoining to the castle, and there receive the claims to the crown. Upon this, twelve competitors came forward. These were :—

I. Florence, count of Holland, descended from Ada, the sister of King William the Lion.

II. Patrick Dunbar, earl of March, descended from Ilda, or Ada, daughter of William the Lion.

III. William de Vescy, who claimed as grandson of Marjory, daughter of William the Lion.[5]

IV. William de Ross, descended from Isabella, daughter of William the Lion.

V. Robert de Pynkeny, descended from Marjory, daughter of Henry, prince of Scotland, and sister of William the Lion.

VI. Nicholas de Soulis, descended from Marjory, a daughter of Alexander the Second, and wife of Alan Durward.

VII. Patrick Galythly, claimed as the son of Henry Galythly, who, he contended, was the lawful son of William the Lion.

VIII. Roger de Mandeville, descended from Aufrica, whom he affirmed to be a daughter of William the Lion.

IX. John Comyn, lord of Badenoch,

[1] Rymer, vol. ii. p. 601.
[2] Ibid. vol. ii p. 558.
[3] Prynne, Edw. I. p. 509–512.
[4] Rymer, vol. ii. p. 573.
[5] The Chronicle of Melrose, num 1193, calls her Margaret.

who claimed as a descendant of Donald, formerly King of Scotland.

X. John de Hastings, who was the son of Ada, the third daughter of David, earl of Huntingdon, brother to King William the Lion.

XI. Robert de Bruce, who was the son of Isabel, second daughter of David, earl of Huntingdon; and lastly,

XII. John de Baliol, who claimed the crown as the grandson of Margaret, the eldest daughter of David, earl of Huntingdon.[1]

The petitions of these various claimants having been read, Edward recommended the commissioners to consider them with attention, and to give in their report at his next parliament, to be held at Berwick on the 2d of June, in the following year. This was an artful delay. Its apparent purpose was to give the commissioners an interval of nine or ten months to institute their inquiries; yet it served the more important object of accustoming the nobility and people of Scotland to look to Edward as their Lord Paramount. When the parliament assembled at Berwick on the appointed day, and when Eric, king of Norway, appeared by his ambassadors, and insisted on his right to the crown of Scotland as the heir of his daughter Margaret, his petition and the claims of the first nine competitors were easily disposed of. They were liable to insuperable objections: some on account of the notorious illegitimacy of the branches from which they sprung, which was the case with the Earl of March, along with the barons William de Ross and De Vescy; others were rejected because they affirmed that they were descendants of a sister of the Earl of Huntingdon, when the direct representatives of a brother of the same prince were in the field.

Indeed, before the final judgment was pronounced, these frivolous competitors voluntarily retired. They had been set up by Edward, with the design of removing the powerful opposition which might have arisen to his schemes, had they declared themselves against him; and to excuse his delay in giving judgment, by throwing an air of intricacy over the case. This object being gained, the king commanded the commissioners to consider, in the first place, the claims of Bruce and Baliol; thus quietly overlooking the other competitors, whose rights were reserved, never to be again brought forward; and virtually deciding that the crown must be given to a descendant of David, earl of Huntingdon. The scene which followed was nothing more than a premeditated piece of acting, planned by Edward, and not ill performed by the Scottish commissioners, who were completely under his influence. The king first required them to make oath that they would faithfully advise him by what laws and usages the question should be determined: they answered, that they differed in opinion as to the laws and usages of Scotland, and its application to the question before them; and therefore required the assistance of the English commissioners, as if from them was to proceed more certain or accurate advice upon the law of Scotland. A conference with the commissioners of the two nations having taken place, it was found that the differences in opinion were not removed. The English commissioners modestly refused to decide until they were enlightened by the advice of an English parliament; and the king, approving of their scruples, declared his resolution to consult the learned in foreign parts; and recommended all persons of both kingdoms to revolve the case in their minds, and consider what ought to be done. He then appointed a parliament to assemble at Berwick on the 15th of October; at which meeting of the Estates he intimated he would pronounce his final decision.

On the meeting of this parliament at the time appointed, Edward required the commissioners to give an answer to these two questions:—1st, By what laws and customs they ought to regulate their judgment? or, in the event of there being either no laws for the determination of such a point, or if the laws of England and Scotland

[1] Rymer, Fœdera, vol. ii. pp. 578, 579.

happened to be at variance, what was to be done? And, 2d, Was the kingdom of Scotland to be regarded as a common fief, and the succession to the crown to be regulated by the same principles which were applicable to earldoms and baronies? The commissioners replied, that the laws and usages of the two kingdoms must rule the question; but if none existed to regulate the case, the king must make a new law for a new emergency; and that the succession to the Scottish crown must be decided in the same manner as the succession to earldoms, baronies, and other indivisible inheritances. The king then addressed himself to Bruce and Baliol, and required them to allege any further arguments in explanation of their right; upon which they entered at great length into their respective pleadings upon the question.

Bruce insisted that, being the son of Isabella, second daughter of David, earl of Huntingdon, he was next heir to the crown; that Alexander the Second had so declared to persons yet alive, when the king despaired of having heirs of his own body; and that an oath had been taken by the people of Scotland to maintain the succession of the nearest in blood to Alexander the Third, failing the Maid of Norway and her issue. He maintained that a succession to a kingdom ought to be decided by the law of nature, rather than by the principles which regulated the succession of vassals and subjects; by which law he, as nearest to the royal blood, ought to be preferred; and that the custom of succession to the Scottish crown — by which the brother, as nearest in degree, excluded the son of the deceased monarch — supported his title. He contended that a woman, being naturally incapable of government, ought not to reign; and, therefore, as Devorguilla, the mother of Baliol, was alive at the death of Alexander the Third, and could not reign, the kingdom devolved upon him, as the nearest male of the blood-royal.

To all this Baliol replied, that as Alexander the Second had left heirs of his body, no conclusion could be drawn from his declaration; that the claimants were in the court of the Lord Paramount, of whose ancestors, from time immemorial, the realm of Scotland was held by homage; and that the King of England must give judgment in this case as in the case of other tenements held of the crown, looking to the law and established usages of his kingdom; that, upon these principles, the eldest female heir is preferred in the succession to all inheritance, indivisible as well as divisible, so that the issue of a younger sister, although nearer in degree, did not exclude the issue of the elder, though in a degree more remote, the succession continuing in the direct line. He maintained that the argument of Bruce, as to the ancient laws of succession in the kingdom of Scotland, truly militated against himself; for the son was nearer in degree than the brother, yet the brother was preferred. He observed, that Bruce's argument, that a woman ought not to reign, was inconsistent with his own claim; for if Isabella, the mother of Bruce, had no right to reign, she could transmit to him no claim to the crown; and besides all this, he had, by his own deliberate act, confuted the argument which he now maintained, having been one of those nobles who swore allegiance to Margaret, the Maiden of Norway.

The competitors, Bruce and Baliol, having thus advanced their claims, King Edward required of his great council a final answer to the following question, exhorting bishops, prelates, earls, barons, and commissioners, to advise well upon the point:—"By the laws and customs of both kingdoms ought the issue of an elder sister, but more remote by one degree, to exclude the issue of the younger sister, although one degree nearer?" To this the whole council unanimously answered, that the issue of the elder sister must be preferred; upon which Edward, after affectedly entreating his council to reconsider the whole cause, adjourned the assembly for three weeks, and appointed it to meet

again on Thursday the 6th of November.

On this day, in a full meeting of all the competitors, the commissioners, and the assembled nobility of both countries, the king declared that, after weighing Bruce's petition, with its circumstances, and deeply considering the arguments on both sides, it was his final judgment that the pretensions of that noble person to the Scottish crown must be set aside, and that he could take nothing in the competition with Baliol. The great drama, however, was not yet concluded; for the king having ordered the claims of Baliol, and the other competitors, which were only postponed, to be further heard, Bruce declared that he meant to prosecute his right, and to present a claim for the whole or a part of the kingdom of Scotland, under a different form from what he had already followed. Upon this, John de Hastings, the descendant of the third daughter of David, earl of Huntingdon, stood up, and affirmed that the kingdom of Scotland was partible, and ought, according to the established laws of England as to partible fiefs, to be divided equally amongst the descendants of the three daughters. This plea was founded upon an opinion of one of the French lawyers, whom Edward had consulted; and Hastings had no sooner concluded than Bruce again presented himself, and, adopting the argument of Hastings, claimed a third part of Scotland, reserving always to Baliol, as descended from the eldest sister, the name of king, and the royal dignity. Edward then put the question to his council, "Is the kingdom of Scotland divisible; or, if not, are its escheats or its revenues divisible?" The council answered, "That neither could be divided." Upon which the king, after having taken a few days more to re-examine diligently, with the assistance of his council, the whole of the petitions, appointed the last meeting for the hearing of the cause to be held in the castle of Berwick, on the 17th of November.

On that great and important day, the council and parliament of England, with the nobility of both countries, being met, the various competitors were summoned to attend; upon which Eric, king of Norway, Florence, earl of Holland, and William de Vescy, withdrew their claims. After this, Patrick, earl of March, William de Ross, Robert de Pynkeny, Nicholas de Soulis, and Patrick Galythly, came forward in person, and followed the same course. John Comyn and Roger de Mandeville, who did not appear, were presumed to have abandoned their right; and the ground being thus cleared for Edward's final judgment, he solemnly decreed: That the kingdom of Scotland being indivisible, and the King of England being bound to judge of the rights of his subjects according to the laws and usages of the people over whom he reigns, by which laws the more remote in degree of the first line of descent is preferable to the nearer in degree of the second; therefore, John Baliol ought to have seisin of the kingdom of Scotland, with reservation always of the right of the King of England and of his heirs, when they shall think proper to assert it. After having delivered judgment, Edward exhorted Baliol to be careful in the government of his people, lest by giving to any one a just cause of complaint he should call down upon himself an interference of his Lord Paramount. He commanded the five regents to give him seisin of his kingdom, and directed orders to the governors of the castles throughout Scotland to deliver them into the hands of Baliol.[1] A humiliating ceremony now took place. The great seal

[1] Rymer, Fœdera, vol. ii. p. 590. Rotuli Scotiæ, vol. i. p. 11. The forts of Scotland, with their English governors, were these:—

Forts.	*Governors.*
Stryvelin	Norman de Arcy.
Aberdeen, Kincardyn	John de Gildeford.
Inverness, Dingwall	William de Braytoft.
Invernairn, Crumbarthyn, *i.e.* Cromarty	Thomas de Braytoft.
Forres and Elgin	Henry de Rye.
Banff and Aboyne	Robert de Grey. Richard de Swethop.

of Scotland, which had been used by the regents since the death of Alexander the Third, was, in the presence of Edward, Baliol, Bruce, and a concourse of the nobility of both kingdoms, broken into four parts, and the pieces deposited in the treasury of the King of England, to be preserved as an evidence of the pretended sovereignty and dominion of that kingdom over Scotland.[1] Next day Baliol, in the castle of Norham, swore fealty to Edward, who gave a commission to John de St John to perform the ceremony of his coronation, by placing the new monarch upon the ancient stone seat of Scone. This ought to have been done by Duncan, earl of Fife, but he was then a minor. Baliol was accordingly crowned upon St Andrew's day, and soon after passed into England, where he concluded the last act of this degrading history, by paying his homage to Edward at Newcastle-upon-Tyne, on the day after Christmas.[2]

CHAPTER II.

JOHN BALIOL.

1292—1305.

EDWARD'S scheme for the subjugation of Scotland was not yet completed; but all had hitherto succeeded to his wishes. He had procured the acknowledgment of a claim of superiority over that kingdom, which, if Baliol should refuse to become the creature of his ambition, gave him a specious title to compel obedience as Lord Paramount. By holding out the prospect of a crown to the various competitors, and by many rich grants of estates and salaries to the prelates and the nobility, he had succeeded in securing them to his interest;[3] and if any feelings of indignation, any spirit of ancient freedom and resistance, remained, the apparent hopelessness of fighting for a country which seemed to have deserted itself, and against a prince of so great a military genius as Edward, effectually stifled it for the present.

Forts.	*Governors.*
Forfar, Dundee, Gedewarth, Rokesburgh	Brian Fitz-Alan.
Cluny	Hugh de Erth.
Are and Dumbrettan	Nicholas de Segrave.
Dumfries, Wigton and Kirkcudbright	Richard Seward.
Edinburgh	Ralph Basset.
Berwick	Peter Burder.

Baliol had scarce taken possession of his kingdom when an event occurred

[1] Rymer, vol. ii. p. 591.

[2] Fordun a Hearne, p. 967.

[3] This appears from the Rotuli Scotiæ, vol. i. p. 24, *et passim*. He gave the Bishop of Glasgow an obligation to bestow on him lands to the annual value of £100. To James the Steward, lands of the same annual value.

	Annual value.
To Patrick, earl of Dunbar,	Lands of £100
To John de Soulis,	Lands of 100 mks.
To William Sinclair,	Lands of 100 mks.
To Patrick de Graham,	Lands of 100 mks.
To William de Soulis,	Lands of £100

All these persons were to have lands of the subjoined value, "Si contingat Regnum Regi et heredibus suis remanere." Edward afterwards changed his plan, and gave these barons and prelates gratifications in money, or other value. But to John Comyn, the King of England gave the large sum of £1563, 14s. 6½d.—Rotuli Scotiæ, vol. i. p. 17, 6th January 1292. He took care, however, to reimburse himself by keeping the wards, marriages, and other items of the revenue, which had fallen to the Scottish crown during the interregnum, as may be seen from many places in the Rotuli Scotiæ.

which recalled him to a sense of his miserable subjection, and brought out the character of Edward in all its severity. It had been a special provision of the treaty of Brigham, that no Scottish subject was to be compelled to answer in any criminal or civil suit, without the bounds of the kingdom; but, in the face of this, Roger Bartholomew, a citizen of Berwick, entered an appeal to the King of England, from a judgment of those regents whom he had appointed in Scotland during the interregnum. Baliol was not slow to remind Edward of his solemn promise to observe the laws and usages of Scotland; and he earnestly protested against withdrawing any pleas from that kingdom to the courts of England.[1] To this Edward replied, that he had in every article religiously observed his promise; but that when complaints were brought against his own ministers, who held their commissions from him as Sovereign Lord of Scotland, it was he alone who could have cognisance of them, nor had his subjects therein any right to interpose. He then, with that air of apparent impartiality which he often threw over his aggressions, required the opinion of some of the ablest Scottish prelates and judges, with regard to the law and custom of their kingdom in one of the cases brought before him; and commanded his council to decide according to the judgment which they delivered.[2] Irritated, however, by being reminded of the treaty of Brigham, he openly declared, by his justiciary Brabazon, that although, during the vacancy of the kingdom of Scotland, he had been induced to make promises which suited the time, now when the nation was ruled by a king, he did not intend to be bound by them, to the effect of excluding complaints brought before him from that kingdom, or of preventing him from dispensing justice and exercising the rights of his sovereign dominion, according to his power and pleasure. To give the greater weight to this imperious announcement, the King of England summoned Baliol and his principal prelates and nobles into his privy chamber at Newcastle, and there made Brabazon repeat his resolutions upon the matter in question; after which, Edward himself rose up, and, in the French language, spoke to the same tenor. "These are my firm determinations," said he, "with regard to all complaints or appeals brought before me from Scotland; nor will I be bound by any former promises or concessions made to the contrary. I am little careful by what deeds or instruments they may be ratified; I shall exercise that superiority and direct dominion which I hold over the kingdom of Scotland, when and where I please; nor will I hesitate, if necessary, to summon the King of Scotland himself into my presence within the kingdom of England."[3]

Baliol's spirit sunk under this declaration; and he, and the Scottish nobility then in his train, pusillanimously consented to buy their peace with Edward by a renunciation of all stipulations regarding the laws and liberties of Scotland which had been made in the treaty of Brigham, and which, so long as they continued in force, convicted the King of England of a flagrant disregard of his oath, formerly so solemnly pledged. On this being agreed to, Edward ordered the public records and ancient historical muniments of the kingdom, which had formerly been transmitted from Edinburgh to Roxburgh, to be delivered to the King of Scotland. He also, out of special favour, commanded possession of the Isle of Man to be given to him;[4] and, softened by these concessions, Baliol returned to his kingdom. But it was only to experience fresh mortification, and to feel all the miseries of subjection.

The policy of Edward towards Scotland and its new king was at once artful and insulting. He treated every assumption of independent sovereignty

[1] Rymer, vol. ii. p. 596

[2] Ryley's Placita, p. 145.

[3] Rymer, Fœd. vol. ii. p. 597. Tyrrel's England, vol. iii. p. 74.

[4] Edward, in 1290, when Margaret was alive, had taken under his protection her kingdom of Man, at the request of its inhabitants.—Rymer, vol. ii. p. 492.

with rigour and contempt, and lost no opportunity of summoning Baliol to answer before him to the complaints brought against his government; he encouraged his subjects to offer these complaints by scrupulously administering justice according to the laws and customs of Scotland; and he distributed lands, pensions, and presents, with well-judged munificence, amongst the prelates and the nobility. The King of Scotland possessed large estates both in England and Normandy; and in all the rights and privileges connected with them he found Edward certainly not a severe, almost an indulgent, superior. To Baliol the vassal he was uniformly lenient and just:[1] to Baliol the king he was proud and unbending to the last degree. An example of this soon occurred.

The Earl of Fife died, leaving his son Duncan a minor, and the earldom to the protection of the Bishop of St Andrews. Macduff, the grand-uncle of Duncan, then seized it; but being ejected by the bishop, on complaining to Edward, was, at the king's command, restored to his estates by the sentence of the Scottish regents. When Baliol held his first parliament at Scone,[2] Macduff was summoned to answer for his having taken forcible possession of lands, which, since the death of the last Earl of Fife, were in the custody of the king. He attempted a defence; but being found guilty, suffered a short imprisonment. On his release, he was not slow to carry his appeal to the King of England; and Edward immediately summoned Baliol to answer in person before him to the allegations of Macduff.[3] To this order Baliol paid no regard, and Edward again commanded him to appear. This was not all. He procured his parliament to pass some regulations regarding the attendance of the King of Scots, which, from their extreme severity, seem to have been expressly intended to exasperate this monarch, who found that, in every case of appeal, he was not only to be dragged in as a party, but that his personal attendance was to be rigidly exacted. The first was a grievous, the last an intolerable burden, to which no one with even the name of a king could long submit.[4]

Meanwhile, dissembling his chagrin, he appeared in the English parliament held after Michaelmas, where Macduff was also present. When the cause of this baron noble came on, Baliol was asked what defence he had to offer. "I am," said he, "the King of Scotland. To the complaint of Macduff, or to any matters respecting my kingdom, I dare not make an answer without the advice of my people." "What means this refusal?" cried Edward. "Are you not my liegeman,—have you not done homage to me,—is it not my summons that brings you here?" To this impetuous interrogation the Scottish monarch firmly answered, "Where the business respects my kingdom, I neither dare, nor can answer, in this place, without the advice of my people."[5] An artful proposal was then made by Edward, that, in order to consult with his people, he should adjourn giving his final reply to a future day; but this he peremptorily declined, declaring that he would neither name a day nor consent to an adjournment. Under these circumstances, the English parliament proceeded to pronounce judgment. They declared that the King of Scotland was guilty of open contempt and disobedience. He had, they said, offered no defence, but made a reply which went to elude and weaken the jurisdiction of his liege lord, in whose court as a vassal he had claimed the crown of Scotland. In consequence of which they advised the King of England, not only to do full justice to Macduff, and to award damages against Baliol, but, as a punishment for his feudal delinquency, to seize three of his principal castles in Scotland, to remain in the hands of the English monarch until he should make satisfaction for the

[1] Rymer, vol. ii. p. 635.
[2] Winton, vol. ii. p. 73.
[3] Rymer, Fœdera, vol. ii. p. 606. Fordun a Hearne, p. 968.
[4] Ryley's Placita, p. 151. Hailes' Annals vol. i. p. 227.
[5] Ryley's Placita, p. 158.

injury offered to his lord superior.[1] Before this judgment of the parliament was publicly made known, Baliol presented himself to Edward, and thus addressed him: "My lord, I am your liegeman for the kingdom of Scotland; and I entreat you that, as the matters wherewith you now are occupied concern the people of my kingdom no less than myself, you will delay their consideration until I have consulted with them, lest I be surprised from want of advice; and this the more especially, as those now with me neither will, nor dare give me their opinion, without consulting with the Estates of the kingdom. After having advised with them, I will, in your first parliament after Easter, report the result, and perform what is my duty."

It was evident that the resolutions of the parliament were unnecessarily violent, and could not have been carried into effect without the presence of an army in Scotland. The King of England, aware of this, and dreading to excite a rebellion, for which he was not then prepared, listened to the demand of Baliol, and delayed all proceedings until the day after the Feast of the Trinity, in 1294.[2]

Not long after this, Edward, who was a vassal of the King of France for the duchy of Aquitaine, became involved with his lord superior, in a quarrel similar to that between himself and Baliol. A fleet of English vessels, belonging to the Cinque Ports, had encountered and plundered some French merchant ships; and Philip demanded immediate and ample satisfaction for the aggression. As he dreaded a war with France, Edward proposed to investigate, by commissioners, the causes of quarrel; but this seemed too slow a process to the irritated feelings of the French king; and, exerting his rights as lord superior, he summoned Edward to appear in his court at Paris, and there answer, as his vassal, for the injuries which he had committed. This order was, of course, little heeded; upon which Philip, sitting on his throne, gave sentence against the English king; pronounced him contumacious, and directed his territories in France to be seized, as forfeited to the crown.[3] Edward soon after renounced his allegiance as a vassal of Philip; and, with the advice of his parliament, declared war against France.

To assist him in this war, he summoned Baliol, and others of the most powerful of the Scottish nobles, to attend him in person with their armed vassals; but his insolent and overbearing conduct had entirely disgusted the Scots. They treated his summons with scorn; and, instead of arming their vassals for his assistance, they assembled a parliament at Scone.[4] Its first step was, under the pretence of diminishing the public charges, to dismiss all Englishmen from Baliol's court; and having thus got rid of such troublesome spies upon their measures, they engaged in a treaty of alliance with France,[5] and determined upon war with Edward. Many estates in Scotland were at this time held by English barons, and many also of the most powerful of the Scottish nobility possessed lands in England. Anxious for a general union against the common enemy, the Scottish estates in the hands of English barons were forfeited, and their proprietors banished; while those Scottish nobles who remained faithful to Edward had their lands seized and forfeited.[6] In this way Robert Bruce lost his rich lordship of Annandale. It was given to John Comyn, earl of Buchan, who instantly assumed the rights of a proprietor, and took possession of its castle of Lochmaben—an injury which, in that fierce age, could never be forgotten.

Edward, although enraged at the conduct of the Scottish parliament, and meditating a deep revenge, was at this time harassed by a rebellion of

[1] Prynne's Edward I., pp. 587, 554.

[2] Ryley's Placita, pp. 152, 160. Prynne's Edward I., p. 554.

[3] Tyrrel's England, vol. iii. p. 79. Prynne's Edward I., pp. 583, 584.

[4] Fordun a Goodal, vol. ii. p. 153.

[5] Rymer, vol. ii. p. 695.

[6] Hemingford, p. 83, vol. i. Hailes, vol. i. p. 240.

the Welsh, and a war with France. Dissimulation and policy were the weapons to which he had recourse, whilst he employed the interval which he gained in sowing dissension among the Scottish nobles, and collecting an army for the punishment of their rebellion. To Bruce, the son of the competitor for the crown, whose mind was irritated by the recent forfeiture of his estates, he affected uncommon friendship; regretted his decision in favour of the now rebellious Baliol; declared his determination to place him on the throne, of which the present king had shewn himself unworthy; and directed him to inform his numerous and powerful friends in Scotland of this resolution.[1] Bruce either trusted to the promises, or was intimidated by the power of Edward. Besides this, Comyn, earl of Buchan, who now mainly directed the Scottish councils, was his enemy, and held violent possession of his lordship of Annandale. To join with him was impossible; and accordingly this powerful baron and his son, afterwards king, with Dunbar, earl of March, and Umfraville, earl of Angus, repaired to Edward, and renewed to him their oaths of homage.[2] The undecided character of Baliol was ill calculated to remove this disunion amongst the Scottish nobles; and the party who then ruled in the Scottish parliament, dreading a submission upon the part of their king, secluded him from all power, confined him in a mountain fortress, and placed the management of affairs in the hands of twelve of the leading nobles.[3]

The measures adopted by these guardians were decided and spirited. They, in the name of the King of Scots, drew up an instrument, renouncing all fealty and allegiance to Edward, on account of the many and grievous injuries committed upon his rights and property as King of Scotland.[4] They despatched ambassadors to France, who concluded a treaty of marriage and alliance, by which the niece of Philip, daughter of Charles, count of Valois, was to be united to the eldest son of Baliol[5]—the French king engaging to assist the Scots with troops kept at his own charges; and they assembled an army under the command of Comyn, earl of Buchan, which invaded Cumberland.[6] This expedition, however, returned without honour, having been repulsed in an attempt to storm Carlisle.

Nothing could be more favourable for Edward than the miserably disunited state of Scotland. He knew that three powerful factions divided the country, and hindered that firm political union without which, against such an enemy, no successful opposition could be made. Bruce, and his numerous and powerful followers, adhered to England. The friends of Baliol, and that part of the nation which recognised him for their sovereign, beheld him a captive in one of his own fortresses, and refused to join the rebels who had imprisoned him; and the party of Comyn, which had invaded England, were either so destitute of military talent, or so divided amongst themselves, that a handful of the citizens of Carlisle compelled them to retreat with loss into their own country. These advantages, the result of his own able and artful policy, were easily perceived by the King of England. It was now his time for action, and for inflicting that vengeance upon his enemies, which, with this monarch, the longer it was delayed was generally the more sure and terrible. He assembled a numerous and well appointed army. It consisted of thirty thousand foot, and four thousand heavy-armed horse. He was joined by Beck, the warlike Bishop of Durham, at the head of a thousand foot and five hundred horse; and with this combined force, and the two sacred banners of St John of Beverley and St Cuthbert of Durham carried before the army,[7]

[1] Fordun a Hearne, p. 971.
[2] Hemingford, vol. i. p. 102.
[3] Math. Westminster, p. 425.
[4] Fordun a Hearne, p. 969.
[5] Fœdera, vol. ii. p. 696.
[6] Hemingford, p. 87. Trivet, p. 288.
[7] Rymer, vol. ii. p. 732. Prynne's Edward I., p. 667. Anthony Beck was a prelate, whose state and magnificence were exceeded only by his sovereign. His ordinary personal

he marched towards Scotland. It appears that some time before this Edward had thought proper to grant a prolongation of the term agreed on for the decision of the question of Macduff, and had required Baliol to attend him as his vassal at Newcastle-upon-Tyne.[1] On arriving there, he summoned the King of Scotland; and after waiting a few days for his appearance, advanced to the eastern border, and crossed the Tweed with his main army below the Nunnery of Coldstream. On the same day the Bishop of Durham forded the river at Norham; and the whole army, marching along the Scottish side, came before the town of Berwick, then in the hands of the Scots.[2]

Edward was determined, at all sacrifices, to make himself master of this city. It was celebrated for the riches and the power of its merchants; and the extent of its foreign commerce, in the opinion of a contemporary English historian, entitled it to the name of another Alexandria.[3] It was protected only by a strong dyke, but its adjacent castle was of great strength, and its garrison had made themselves obnoxious to the king, by plundering some English merchant ships which had unsuspiciously entered the port. The king summoned it to surrender, and offered it terms of accommodation, which, after two days' consideration, were refused. Edward, upon this, did not immediately proceed to storm, but drew back his army to a field near a nunnery, about a mile from the town, and where, from the nature of the ground, he could more easily conceal his dispositions for the attack. He then despatched a large division, with orders to assault the town, choosing a line of march which concealed them from the citizens; and he commanded his fleet to enter the river at the same moment that the great body of the army, led by himself, were ready to storm.[4] The Scottish garrison fiercely assaulted the ships, burnt three of them, and compelled the rest to retire;[5] but they, in their turn, were driven back by the fury of the land attack. Edward himself, mounted on horseback,[6] was the first who leaped the dyke; and the soldiers, animated by the example and presence of their king, carried everything before them. All the horrors of a rich and populous city sacked by an inflamed soldiery, and a commander thirsting for vengeance, now succeeded. Seventeen thousand persons,[7] without distinction of age or sex, were put to the sword; and for two days the city ran with blood like a river. The churches, to which the miserable inhabitants had fled for sanctuary, were violated and defiled with blood, spoiled of their sacred ornaments, and turned into stables for the English cavalry.[8]

In the midst of this massacre a fine trait of fidelity occurred. The Flemings at this period carried on a lucrative and extensive trade with Scotland, and their principal factory was established in Berwick. It was a strong building, called the Red-hall, which, by their charter, they were bound to defend to the last extremity against the English. True to their engagements, thirty of these brave merchants held out the place against the whole English army. Night came, and still it was not taken. Irritated by this obstinate courage, the English set it on fire, and buried its faithful defenders in the burning ruins.[9] The massacre of Berwick, which took place on Good Friday, was a terrible example of the vengeance which Edward was ready to inflict upon his enemies. Its plunder enriched his army, and it never recovered its commercial importance

suite consisted of a hundred and forty knights.—Hutchinson's History of the County Palatine of Durham, p. 239.

1 Prynne's Edward I., p. 537.

2 Hemingford, p. 89.

3 Torfæus, book i. chap. xxxii. Chron. of Lanercost, a Stevenson, pp. 162, 185.

4 Fordun a Goodal, vol. ii. p. 159. Hemingford, vol. i. p. 90.

5 Hemingford, p. 90.

6 Langtoft's Chronicle, vol. ii. p. 272. His horse's name, we learn from this Chronicle, was Bayard.

7 Knighton, apud Twysden, p. 2480.

8 Fordun, book xi. chap. liv. lv.

9 Hemingford, vol. i. p. 91. Hailes' Annals, vol. i. p. 236.

and prosperity. Sir William Douglas, who commanded the castle, after a short defence surrendered, and swore fealty to the King of England; and its garrison, after taking an oath not to bear arms against that country, were allowed to march out with military honours.[1]

Whilst Edward remained at Berwick, engaged in throwing up new fortifications against future attacks, Henry, abbot of Arbroath, attended by three of his monks, appeared at his court, and delivered to him the instrument containing Baliol's renunciation of his homage. "You have," said the Scottish king, "wantonly summoned me to your courts; you have committed grievous outrages and robberies upon my subjects, both by sea and land; you have seized my castles and estates in England, killed and imprisoned my subjects, and the merchants of my realm; and when I demanded a redress of these injuries, you have invaded my dominions at the head of a vast army, with the purpose of depriving me of my crown; and have cruelly ravished the land. Wherefore, I renounce that fealty and homage which have been extorted from me; and do resolve openly to oppose myself, in defence of my kingdom, against Edward of England."[2]

Edward received this letter with angry contempt. "The senseless traitor!" said he; "of what folly is he guilty! But since he will not come to us, we will go to him!"[3]

Enraged at the dreadful vengeance inflicted on Berwick, the Scottish army, under the Earls of Ross, Menteith, and Athole, made a second inroad into England; and, imitating the example of Edward, with merciless severity ravaged Redesdale and Tynedale, carrying away a great booty, and sparing neither sex nor age.[4] The flames of towns and villages, and the ashes of the ancient monasteries of Lanercost and Hexham, marked their destructive progress; but the vengeance of the Scots was short-lived, and their plans unconnected. That of their enemy was the very opposite: it was deep-laid in its plans, simultaneous in its movements, and remorseless in its contemplation of consequences.

The castle of Dunbar was at this time one of the strongest, and, by its situation, most important in Scotland. Its lord, Patrick, earl of Dunbar, served in the army of Edward; but his wife, the countess, who held the castle, and hated the English, entered into a secret negotiation with the Scottish leaders for its delivery into the hands of her countrymen. The Earls of Ross, Athole, and Menteith, the barons John Comyn, William St Clair, Richard Seward, and John de Mowbray, with thirty-one knights and a strong force, threw themselves into the place; and, assisted by the countess, easily expelled the few soldiers who remained faithful to England.[5] On being informed of this loss, Edward determined upon recovering it at all hazards; and for this purpose despatched the Earl of Surrey with ten thousand foot and a thousand heavy-armed horse. When summoned by Warrene, the garrison agreed to surrender, unless relieved within three days; and the Scots, anxious to retain so important a place, led on the whole of their army, and possessed themselves of a strong and excellent position on the high ground above Dunbar. Forty thousand foot, and fifteen hundred horse, encamped on the heights near Spot; and, confident of rescue, the garrison of the castle insulted the English from the walls, as if already beaten.[6]

On the first appearance of the Scottish army, Surrey steadily advanced to attack it. On approaching the high ground, it was necessary to deploy through a valley; and the Scots imagined they observed some confusion in the English ranks when executing

[1] Hemingford, vol. i. p. 91.

[2] Fœdera, vol. ii. p. 707. Fordun a Hearne, p. 969.

[3] Ha ce fol felon, tel folie fet! sil ne voult venir a nous, nous viendrons a lui.—Fordun a Hearne, p. 969.

[4] Rymer, vol. ii. p. 887. Trivet, p. 291. Peter Langtoft, vol. ii. p. 273.

[5] Walsingham, p. 67. This happened on St Martin's day.

[6] Fordun a Goodal, vol. ii. p. 165. Hemingford, vol. i. p. 95.

this movement. Mistaking this for flight, they precipitately abandoned their strong position on the hills, and rushed down with shouts upon the enemy. Meanwhile, before the lines could meet, the English earl had extricated himself from the valley, and formed into compact order. The Scots, ruined, as they had often been, by their temerity, perceived their fatal error when it was too late. Instead of an enemy in flight, they found an army under perfect discipline, advancing upon their broken and disordered columns; and having in vain endeavoured to regain their ranks, after a short resistance they were completely routed. Three hundred and fifty years after this, Cromwell, on the same ground, defeated the army of the Scottish Covenanters, which occupied the same admirable position, and with equal folly and precipitancy deserted it. Surrey's victory was complete, and for the time decided the fate of Scotland. Ten thousand men fell on the field or in the pursuit. Sir Patrick de Graham, one of the noblest and wisest of the Scottish barons, disdained to ask for quarter, and was slain in circumstances which extorted the praise of the enemy.[1] A great multitude, including the principal of the Scottish nobility, were taken prisoners; and next day, the King of England coming in person with the rest of his army before Dunbar, the castle surrendered at discretion. The Earls of Athole, Ross, and Menteith, with four barons, seventy knights, and many other brave men, submitted to the mercy of the conqueror.[2]

All the prisoners of rank were immediately sent in chains to England, where they were for the present committed to close confinement in different Welsh and English castles.[3] After some time, the king compelled them to attend him in his wars in France; but even this partial liberty was not allowed them till their sons were delivered into his hands as hostages.[4]

Edward was not slow to follow up the advantages which this important success had given him. Returning from Lothian, he sat down before the castle of Roxburgh, which was surrendered to him by James, the Steward of Scotland, who not only swore fealty and abjured the French alliance,[5] but prevailed upon many others of the Scottish nobility to forsake a struggle which was deemed desperate, and to submit to England. It was at his instigation that Ingeram de Umfraville surrendered the castle of Dumbarton,[6] and gave up to Edward his daughters, Eva and Isobel, as hostages. Soon after, the strong fortress of Jedburgh was yielded to his mercy;[7] and his victorious army being reinforced by a body of fifteen thousand men from Wales, he was enabled to send home that part of his English force which had suffered most from fatigue in this expedition.

With these fresh levies he advanced to Edinburgh, made himself master of the castle after a siege of eight days;[8] passed rapidly to Stirling, which he found abandoned; and while there, the Earl of Ulster, with a new army of thirty thousand foot and four hundred horse, came to join the king, and complete the triumph of the English arms. The monarch continued his progress without opposition to Perth, where he halted to keep the feast of the nativity of John the Baptist, with circumstances of high feudal solemnity, regaling his friends, creating new knights, and solacing himself and his barons. In the midst of these rejoicings, messengers arrived from the unhappy Baliol announcing his submission, and imploring peace.[9] Edward disdained to treat with him in person, but informed him that he intended, within fifteen days, to advance to Brechin, and that on Baliol's repairing to the castle there, the Bishop of Durham would announce the decision of

[1] Hemingford, vol. i. p. 96. Fordun a Hearne, p. 974.
[2] Scala Chronicle, p. 123.
[3] Peter Langtoft, Chron. p. 278.
[4] Rotuli Scotiæ, vol. i. sub Ed. I. 25, p. 44; where a great many of the names of the prisoners will be found.
[5] Prynne's Edward I., p. 649.
[6] Rotuli Scotiæ, 22 Ed. I., memb. 8 dorso.
[7] Rymer, Fœd. vol. ii. pp. 714, 716.
[8] Hemingford, vol. i. p. 98.
[9] Ibid.

his lord superior. This was none other than that of an absolute resignation of himself and his kingdom to the mercy of his conqueror; to which Baliol, now the mere shadow of a king, without a crown, an army, or a nobility, dejectedly submitted. In presence of the Bishop of Durham and the barons of England, he was first stript of his royal robes; after which they spoiled him of his crown and sceptre, and compelled him, standing as a criminal, with a white rod in his hand, to perform a humiliating feudal penance.[1] He confessed that, misled by evil counsel and his own weakness, he had grievously offended his liege lord; he recapitulated his various transgressions, his league with France, and his hostilities against England; he acknowledged the justice of the invasion of his kingdom by Edward, in vindication of his violated rights; and three days after this, in the castle of Brechin, he resigned his kingdom of Scotland, its people, and their homage, into the hands of his liege lord, Edward, of his own free will and consent.[2] After this humiliating ceremony, Baliol delivered his eldest son, Edward, to the King of England, as a hostage for his future fidelity; and this youth, along with his discrowned father, were soon after sent by sea to London, where they remained for three years in confinement in the Tower.[3]

Thus ended the miserable and inglorious reign of John Baliol, a prince whose good dispositions might have insured him a happier fate, had he been opposed to a less terrible and ambitious enemy than Edward the First; or had the courage and spirit, in which he was not deficient, been seconded by the efforts of a united nobility. But Edward, with a policy not dissimilar to that which we have adopted in our Eastern dominions, had succeeded in preventing all union amongst the most powerful Scottish barons, by arraying their private and selfish ambition against the love of their country; by sowing dissension in their councils, richly rewarding their treachery, and treating with unmitigated severity those who dared to love and defend the liberty of Scotland; and Baliol's character was not of that high stamp which could unite such base and discordant materials, or baffle a policy so deep and a power so overwhelming.

[1] Fordun a Goodal, vol. ii. p. 167. Winton, vol. ii. p. 88.

[2] Prynne's Edward I., pp. 650, 651. See Notes and Illustrations, letter F.

[3] Langtoft, Chron. vol. ii. p. 280. Speaking of Baliol—

First he was king, now is he soudioure,
And is at other spendyng bonden in the Toure.

INTERREGNUM.

The spirit of the Scottish people was for the time completely broken; and Edward, as he continued his expedition from Perth to Aberdeen, and from thence to Elgin in Moray, did not experience a single check in his progress; while most of the Scottish barons who had escaped death or imprisonment crowded in to renounce the French alliance, and renew their oaths of fealty. On his return from the north to hold his parliament at Berwick, in passing the ancient Abbey of Scone, he took with him the famous and fatal stone upon which, for many ages, the Scottish kings had been crowned and anointed. This, considered by the Scots as their national palladium, along with the Scottish sceptre and crown, the English monarch placed in the cathedral of Westminster, as an offering to Edward the Confessor, and a memorial of what he deemed his absolute conquest of Scotland;[4] a conquest, however, which, before a single year had elapsed, was entirely wrested from his hands.

Edward was desirous of annihilating everything which could preserve the patriotic feeling of the country which he had overrun. With this object, when at Scone, he mutilated the ancient chartulary of that abbey, the historical notices in which were per-

[4] Fordun a Goodal, book xi. chap. xxv. vol. ii. p. 166. Hemingford, vol. i. pp. 37, 100.

haps fatal to his pretended claim of superiority, carrying off some of its charters, and tearing the seals.[1] Our historians affirm, that in his progress he industriously sought out and destroyed every monument connected with the antiquity and independence of the nation. The character of Edward, and his conduct at Scone, give great probability to the assertion.[2]

On the 28th of August, the king held his parliament at Berwick, for the purpose of receiving the fealty of the clergy and laity of Scotland. Multitudes of Scotsmen of all ranks resorted to him—earls, barons, knights, and esquires. The terror of his arms; the well-known severity of his temper, which made imprisonment and the immediate confiscation of their estates the consequence of their refusal; the example of their nobility, who now felt, too late for remedy, the sad effect of their dissensions, all combined to render this submission to Edward a measure as unanimous as it was humiliating; and the oaths of homage, the renunciation of the French alliance, and the names of the vassals, which fill thirty-five skins of parchment, are still preserved amongst the English archives.[3]

After the battle of Dunbar, Bruce, earl of Carrick, who was then in the service of England, reminded Edward of his promise to place him on the throne. "Have I nothing to do," said the haughty monarch, "but to conquer kingdoms for you?" Judging it probably a more befitting occupation, the King of England empowered the Earl of Carrick, and his son the younger Bruce, to receive to his peace the inhabitants of their own lands of Carrick and Annandale.[4] How little did he then think, that the youthful baron, employed under his royal commission in this degrading office, was destined to wrest from him his conquest, and to become the restorer of the freedom of his country!

Edward next directed his attention to the settlement of his new dominions; and the measures which he adopted for this purpose were equally politic and just. He commanded the sheriffs of the several counties in Scotland to restore to the clergy their forfeited lands; and he granted to the Scottish bishops for ever the privilege of bequeathing their effects by will, as fully as the right was enjoyed by the prelates of England. The widows of those barons whose husbands had died before the French alliance, and who had not since then been married to the king's enemies, were faithfully restored to their estates; but, effectually to secure their allegiance, the English Guardian of Scotland was permitted, at his option, to take possession of the castles and strengths upon their lands. He even assigned pensions to the wives of many of his Scottish prisoners; and few of those who held office under the unfortunate Baliol were dispossessed. The jurisdictions of Scotland were suffered to remain with those who possessed them, under ancient and hereditary titles; no wanton or unnecessary act of rigour was committed, no capricious changes introduced, yet all means were adopted to give security to his conquest. John Warrene, earl of Surrey, was made Guardian of Scotland; Hugh de Cressingham, Treasurer; and William Ormesby, Justiciary. Henry de Percy, nephew of Warrene, was appointed keeper of the county of Galloway, and the sheriffdom of Ayr; the castles of Roxburgh, Berwick, Jedburgh, and Edinburgh, were committed to English captains; a new seal, in place of the ancient Great Seal of Scotland, surrendered by Baliol and broken into pieces at Brechin, was placed in the hands of Walter de Agmondesham, an English chancellor; and an Exchequer for receiving the king's rents and taxes was instituted at Berwick, on the model of that at Westminster.[5]

[1] Chart. Scon. f. 26, quoted by Hailes, vol. i. p. 243.

[2] Innes's Critical Essay on the Ancient Inhabitants of Scotland, pp. 554, 555. See Notes and Illustrations, letter G.

[3] Ragman Rolls, printed by Bannatyne Club. 1834.

[4] Rymer, Fœdera, vol. ii. p. 714.

[5] Madox, Hist. of Exchequer, p. 550. Rotuli Scotiæ, vol. i. pp. 29, 35.

PERIOD OF WALLACE.

Edward had scarcely made this settlement of Scotland, and set out for his own dominions, when he found that, instead of the acclamations due to a conqueror, he was to be received at home with the lowering countenances of discontent and rebellion. He had incurred a heavy expense in his Scottish expedition, and he was now anxious to carry on with vigour his war with France; but the clergy of England, headed by a proud and firm prelate, Winchelsea, archbishop of Canterbury, demurred as to the supplies which he demanded; and a powerful party of the barons, led by the Constable and the Marshal of England, refusing to pass over into France, indignantly retired from parliament, with a great body of their armed retainers.

These discontents in England encouraged the people of Scotland to rise against their English oppressors. Although deserted by their nobility, a spirit of determined hatred against England was strongly manifested by the great body of the nation. Throughout the whole country, numerous bands of armed peasants infested the highways, and in contempt of government plundered the English, and laid waste their lands. Their numbers increased, and their successes soon became alarming. They besieged the castles garrisoned by the English, took prisoners, committed all kinds of rapine and homicide; and the impression made upon the mind of Edward may be judged of by a letter still remaining, addressed to his treasurer Cressingham, commanding him not to scruple to spend the whole money in his exchequer to put down these violent disorders.[1]

The patriotic principle which seems at this time to have entirely deserted the highest ranks of the Scottish nobles, whose selfish dissensions had brought ruin and bondage upon their country, still burned pure in the breasts of these broken men and rebels, as they are termed by Edward. The lesser barons, being less contaminated by the money and intrigues of England, preserved also the healthy and honest feelings of national independence; and it happened that at this time, and out of this middle class of the lesser barons, arose an extraordinary individual, who, at first driven into the field by a desire to avenge his individual injuries, within a short period of time, in the reconquest of his native country, developed a character which may, without exaggeration, be termed heroic. This was William Wallace, or Walays, the second son of Sir Malcolm Wallace of Ellerslie, near Paisley, a knight, whose family was ancient, but neither rich nor noble.[2] In those days bodily strength and knightly prowess were of the highest consequence in commanding respect and insuring success. Wallace had an iron frame. His make, as he grew up to manhood, approached almost to the gigantic; and his personal strength was superior to the common run of even the strongest men. His passions were hasty and violent; a strong hatred to the English, who now insolently lorded it over Scotland, began to shew itself at a very early period of his life; and this aversion was fostered in the youth by an uncle, a priest, who, deploring the calamities of his country, was never weary of extolling the sweets of liberty, and lamenting the miseries of dependence.[3]

The state of national feeling in Scotland, at this time, has been already described; and it is evident that the repressing of a rising spirit of resistance, which began so strongly to shew itself, required a judicious union of firmness, gentleness, and moderation. Upon the part of the English all this was wanting. Warrene, the governor, had, on account of ill health, retired to the north of England. Cressingham, the treasurer, was a proud, ignorant ecclesiastic. Edward, before he departed, had left orders that all who

[1] Rotuli Scotiæ, 25 Ed. I., vol. i. p. 42.

[2] Winton's Chron. vol. ii. p. 91, book viii. chap. xiii. Fordun a Goodal, vol. ii. p. 169.

[3] Fordun a Goodal, book xii. chap. iii. vol. ii. p. 223.

had not yet taken the oath of fealty, including not only the lesser barons, but the burghers and inferior gentry, should be compelled to do so under severe penalties, exacted by military force; and Ormesby, the justiciary, had excited deep and general odium, by the intolerable rigour with which these penalties were extorted.

The intrepid temper of Wallace appears first to have shewn itself in a quarrel, in the town of Lanark, with some of the English officers who insulted him. This led to bloodshed; and he would have been overpowered and slain in the streets had it not been for the interference of his mistress, to whose house he fled, and by whose assistance he escaped to the neighbouring woods. In a spirit of cruel and unmanly revenge, Hislop, the English sheriff, attacked the house, and put her to death; for which he was himself assaulted and slain by Wallace.[1] The consequence of this was to him the same as to many others, who at this time preferred a life of dangerous freedom to the indulgence and security of submission.[2] He was proclaimed a traitor, banished his home, and driven to seek his safety in the wilds and fastnesses of his country. It was here that he collected by degrees a little band, composed at first of a few brave men of desperate fortunes, who had forsworn their vassalage to their lords, and refused submission to Edward, and who at first carried on that predatory warfare against the English, to which they were impelled as well by the desire of plunder, and the necessity of subsistence, as by the love of liberty. These men chose Wallace for their chief. Superior rank —for as yet none of the nobility or barons had joined them—his uncommon courage and personal strength, and his unconquerable thirst of vengeance against the English, naturally influenced their choice, and the result proved how well it had fallen. His plans were laid with so much judgment, that in his first attacks against straggling parties of the English he was generally successful; and if surprised by unexpected numbers, his superior strength and bravery, and the ardour with which he inspired his followers, enabled them to overpower every effort which was made against them.

To him these early and desultory excursions against the enemy were highly useful, as he became acquainted with the strongest passes of his country, and acquired habits of command over men of fierce and turbulent spirits. To them the advantage was reciprocal, for they began gradually to feel an undoubting confidence in their leader; they were accustomed to rapid marches, to endure fatigue and privation, to be on their guard against surprise, to feel the effects of discipline and obedience, and by the successes which these insured, to regard with contempt the nation by whom they had allowed themselves to be overcome.

The consequences of these partial advantages over the enemy were soon seen. At first few had dared to unite themselves to so desperate a band. But confidence came with success, and numbers flocked to the standard of revolt. The continued oppressions of the English, the desire of revenge, and even the romantic and perilous nature of the undertaking, recruited the ranks of Wallace, and he was soon at the head of a great body of Scottish exiles.[3]

When it was known that this brave man had raised open banner against the English, Sir William Douglas,[4] who had been taken by Edward at the siege of Berwick, and restored to his liberty, upon swearing fealty, disregarding his oath, joined the Scottish force with his numerous vassals. Ormesby, the English justiciary, was at this time holding his court at Scone; and Surrey, the guardian, had gone to attend the English parliament. Wallace, by a rapid march,

[1] Winton, vol. ii. p. 95, book viii. chap. xiii. Fordun a Hearne, p. 975.

[2] Triveti Annales, p. 299.

[3] Hemingford, vol. i. p. 118. Triveti Annales, p. 299.

[4] This William Douglas was, according to Hume of Godscroft, the seventh Lord Douglas. He was called William the Hardy, or Longleg. Hume's Hist. of House of Douglas and Angus vol. i. p. 32.

surprised the justiciary, dispersed his followers, and, whilst he himself escaped with the greatest difficulty, took a rich booty and many prisoners.[1] This exploit giving new confidence to their little army, they more openly and boldly ravaged the country, and put all Englishmen to the sword. As circumstances allowed, they either acted together, or engaged in separate expeditions. Whilst Wallace marched into Lennox, the castles of Disdeir and Sanquhar were taken by Douglas; and when their united strength afterwards broke in upon the west of Scotland, they were joined by some of the most powerful of the Scottish nobility. The Steward of Scotland, and his brother, Sir Andrew Moray of Bothwell, Alexander de Lindesay, and Sir Richard Lundin, with a spirited prelate, Wishart, bishop of Glasgow, were amongst the number.[2]

Their united forces, led by the military skill and animated by the personal intrepidity of Wallace, continued to be successful in repeated attacks upon the English; and these successes were frequently followed, as was to be expected, by many circumstances of cruelty and violence. Their revenge seems especially to have been directed against the English ecclesiastics who were possessed of Scottish livings. A public edict, passed by the Scottish Estates in 1296, had banished these intruders from Scotland; and this edict Wallace, it is said, improved upon with a refinement in cruelty. Some aged priests, and it is even asserted, although almost too horrid to believe, some helpless women, had their hands tied behind their backs, and in this helpless state were thrown from high bridges into rivers, their dying agonies affording sport to their merciless captors.[3]

The conduct of the younger Bruce, afterwards the heroic Robert the First, was at this period vacillating and inconsistent. His large possessions in Carrick and Annandale made him master of an immense tract of country, extending from the Firth of Clyde to the Solway; and the number of armed vassals which his summons could call into the field would have formed an invaluable accession to the insurgents. His power caused him to be narrowly watched by England; and as his inconstant character became suspected by the Wardens of the Western Marches, they summoned him to treat on the affairs of his master the king at Carlisle. Bruce, not daring to disobey, resorted thither with a numerous attendance of his friends, and was compelled to make oath on the consecrated host, and the sword of Thomas à Becket, that he would continue faithful to the cause of Edward. To give a proof of his fidelity, he ravaged the estates of Sir William Douglas, then with Wallace, seized his wife and children, and carried them into Annandale. Having thus defeated suspicion, and saved his lands, he privately assembled his father's retainers; talked lightly of an extorted oath, from which the Pope would absolve him; and urged them to follow him, and join the brave men who had taken arms against the English. This, however, they refused, probably because their master and overlord, the elder Bruce, was then with Edward. Robert, however, nothing moved by the disappointment, collected his own tenants, marched to join Wallace, and openly took arms against the English.[4]

The news of this rebellion reached the King of England as he was preparing to sail for Flanders. He at first disregarded it; and as many of the most powerful of the Scottish nobles were then either prisoners in England, or in attendance upon himself, and ready to embark for the Continent, he was easily persuaded that it would be instantly put down by the authority of the governor. Anthony Beck, however, the martial bishop of Durham, was despatched in great haste into Scotland; and Edward finding, from his account, that the revolt was of a serious nature, commanded the

[1] Triveti Annales, p. 299.
[2] Hailes, vol. i. p. 246.
[3] Hen. Knighton, p. 2514, apud Twysden, vol. i. Raynaldi, Cont Baronii, vol. iv. p. 66.
[4] Hemingford, vol. i. p. 120. Knighton, p. 2514.

Earl of Surrey to call forth the military force on the north of the Trent, and, without delay, to reduce the insurgents.[1]

This, however, was no easy matter. Surrey sent his nephew, Henry Percy, before him into Scotland, at the head of an army of forty thousand foot, and three hundred armed horse. Percy marched through Annandale to Lochmaben, where, during the night, his encampment was suddenly attacked by the Scots with great fury. It was very dark, and Percy's men knew not where to rally. In this emergency they set fire to the wooden houses where they lay, and, guided to their banners by the blaze, repulsed the enemy, and marched towards Ayr,[2] for the purpose of receiving the men of Galloway to the peace of the king. It was here told them that the Scottish army was not four miles distant; and Percy, having struck his tents, advanced at the first break of the morning to Irvine, and soon discovered their squadrons drawn up nearly opposite to him, on the border of a small lake. This force, which equalled the English in foot, although inferior in horse, was sufficient, under able conduct, to have given battle to Percy, but it was enfeebled by dissension amongst its leaders; and although Wallace was there to direct them, the pride of these feudal barons would not submit to be commanded by him. Accordingly, most of these chiefs became anxious to negotiate terms for themselves, and to save their lands. Sir Richard Lundin, a Scottish knight, who had till now refused allegiance to Edward, went over with his followers to the army of Percy, declaring it to be folly to remain longer with a party at variance with itself. At the same time, Bruce, the Steward of Scotland, and his brother Alexander de Lindesay, Sir William Douglas, and the Bishop of Glasgow, made submission to Edward, and entreated his forgiveness for the robberies and slaughters which they had committed. An instrument, commemorating this desertion of their country, to which their seals were appended, was drawn up in Norman-French;[3] but this brave man treated all proposals of submission with high disdain. Although the greater nobles had deserted the cause, he knew that many of their vassals were enthusiastically attached to his person and fortunes.[4] He could muster also a large body of his own tried and veteran followers; and putting himself at the head of these, he retired indignantly to the north. Sir Andrew Moray of Bothwell was the only baron who accompanied him.

The conduct of the Scottish nobility, who had capitulated to Percy, was irresolute and contradictory. Edward had accepted their offers of submission; but although they would not act in concert with Wallace, whose successes had now effectually raised the spirit of the nation, they drew back from their agreement with Percy, and delayed the delivery of their hostages, until security should be given them for the preservation of the rights and liberties of their country. Sir William Douglas and the Bishop of Glasgow, however, considered that they were bound to abide by the capitulation signed at Irvine; and finding themselves unable to perform their articles of agreement, they voluntarily surrendered to the English.[5] It was the fate of this last-mentioned prelate to be trusted by neither party. Wallace, whose passions were fiery and impetuous, loudly accused him of treachery, attacked his castle, ravaged his lands, and led his servants and family captive; whilst the King of England declared that, under this surrender of himself at the castle of Roxburgh, a purpose was concealed of betraying that important fortress to the Scots.[6] Notwithstanding the capitulation of

[1] Hemingford, p. 122. Tyrrel, Hist. Eng. p. 112, vol. iii.

[2] Hen. Knighton, p. 2515.

[3] Rymer, Fœdera, dated 9th July 1297, vol. ii. p. 774. Rymer has read the concluding sentence of this deed erroneously, as has been shewn by Sir F. Palgrave. The words which he prints as "Escrit a Sire Willaume," are "Escrit a Irwine."

[4] Hemingford, vol. i. p. 125.

[5] Ibid. p. 124. Tyrrel, Hist. Eng. vol. iii. p. 112.

[6] Hailes' Annals, vol. i. p. 250.

Irvine, the spirit of resistance became soon very general throughout the northern counties. In Aberdeenshire, especially, the revolt was serious; and Edward directed his writs to the bishop and sheriffs of the county, commanding them to punish the rebels for the murders and robberies which they had been committing, and to be on their guard against an intended attack upon the castle of Urquhart, then held by William de Warrene.[1]

What were the particular successes of Wallace and his brethren in arms, during the summer months which elapsed between the treaty at Irvine and the battle of Stirling, we have no authentic memorials to determine.[2] That they had the effect of recruiting his army, and giving him the confidence of the body of the people of Scotland, is certain; for Knighton, an old English historian, informs us, "that the whole followers of the nobility had attached themselves to him; and that although the persons of their lords were with the King of England, their heart was with Wallace, who found his army reinforced by so immense a multitude of the Scots, that the community of the land obeyed him as their leader and their prince."[3] Edward, in the meantime, dissatisfied with the dilatory conduct of Surrey, in not sooner putting down a revolt, which the king's energetic and confident spirit caused him to treat too lightly, superseded him, and appointed Brian Fitz-Alan governor of Scotland. At the same time he liberated from their imprisonment, in various castles through England, the Scottish nobles and barons taken at the battle of Dunbar, and carried them along with him to Flanders. Their forfeited lands were restored; but to secure their fidelity, the king compelled their eldest sons to remain in England as hostages.[4] Others of the Scottish nobles, whose fidelity was less suspected, were permitted to return home, under a promise of assisting in the reduction and pacification of the country; and as many of the most powerful and warlike English barons as he could spare from his expedition to Flanders were directed to repair to Scotland, with all the horse and foot which they could muster, and to co-operate with Fitz-Alan and Surrey.[5] Having taken these precautions, King Edward passed over to Flanders on the 22d of August.[6]

It was fortunate for the Scots, that Warrene, the earl of Surrey, evinced great remissness in insisting on the fulfilment of the treaty of Irvine. He was on bad terms with Cressingham the treasurer, a proud and violent Churchman, who preferred the cuirass to the cassock;[7] and it is probable that his being superseded in his government of Scotland, and yet commanded to remain with the army, was an indignity which so high a baron could ill brook.[8] The consequences of this inactivity were soon apparent. The Scottish barons still delayed the delivery of their hostages, and cautiously awaited the event of the war; whilst Wallace, at the head of a powerful army, having succeeded in expelling the English from the castles of Forfar, Brechin, Montrose, and nearly all their strongholds on the north of the Forth, had just begun the siege of the castle of Dundee, when he received intelligence that the English army, under the command of the Earl of Surrey, and Cressingham the treasurer, was on its march to Stirling. Well acquainted with the country there, his military skill taught him of what importance it would be to secure the high ground on the river Forth, above Cambuskenneth, before Surrey had passed the bridge at Stirling; and having commanded the citizens of Dundee, on pain of death, to continue the siege of the castle, he marched with great expedition, and found, to his satisfaction, that he had anticipated the English, so as to give him time to choose the most favourable

1 Rotuli Scotiæ, vol. i. pp. 41, 42.
2 From 9th July to 3d September.
3 Knignton, apud Twysden, p. 2516.
4 Rotuli Scotiæ, pp. 44, 45. Trivet, p. 301.
5 Rot. Scot. pp. 47, 48. Surrey, although superseded in the command, remained with the army.
6 Tyrrel, vol. iii. p. 120.
7 Hemingford, p. 130.
8 Rymer, vol. ii. p. 794.

position for his army, before the columns of Cressingham and Surrey had reached the other side of the river.

The nature of the ground concealed the Scottish army, which amounted to forty thousand foot, and one hundred and eighty horse. Wallace's intention was to induce the main body of the English to pass the bridge, and to attack them before they had time to form. Surrey was superior in numbers. He commanded a force of fifty thousand foot soldiers, and one thousand armed horse. Lord Henry Percy had marched from Carlisle towards Stirling, with a reinforcement of eight thousand foot and three hundred horse; but Cressingham the treasurer, dreading the expense of supporting so great a force, had, with an ill-judged economy, given orders for disbanding these succours, as he considered the army in the field to be sufficient for the emergency.[1]

The Steward of Scotland, the Earl of Lennox, and others of the Scottish barons, were at this time with the English army; and on coming to Stirling, requested Surrey to delay an attack till they had attempted to bring Wallace to terms. They soon returned, and declared that they had failed in their hopes of pacification, but that they themselves would join the English force with sixty armed horse. It was now evening, and the Scottish barons, in leaving the army, met a troop of English soldiers returning from forage. Whether from accident or design, a skirmish took place between these two bodies, and the Earl of Lennox stabbed an English soldier in the throat. This, of course, raised a tumult in the camp; a cry arose that they were betrayed by the Scots; and there seems to be little doubt that Lennox and his friends were secretly negotiating with Wallace, and only waited for a favourable opportunity of joining him. Crying out for vengeance, the English soldiers carried their wounded comrade before their general, and reproached him with having trusted those who had broken their faith, and would betray them to the enemy. "Stay this one night," said he, "and if to-morrow they do not keep their promise, you shall have ample revenge." He then commanded his soldiers to be ready to pass the bridge next day; and thus, with a carelessness little worthy of an experienced commander, who had the fate of a great army dependent on his activity and foresight, he permitted Wallace to tamper with his countrymen in the English service; to become acquainted with the numbers and array of the English force; and to adopt, at his leisure, his own measures for their discomfiture.

Early next day, five thousand foot and a large body of the Welsh passed the bridge by sunrise, and soon after repassed it, on finding that they were not followed by the rest of the army, and that the Earl of Surrey was still asleep in the camp. After an hour the earl awoke, the army was drawn up, and as was then usual before any great battle, many new knights were created, some of whom were fated to die in their first field. It was now the time when the Scottish barons ought to have joined with their sixty horse; and Surrey, having looked for them in vain, commanded the infantry to cross the bridge. This order was scarcely given when it was again recalled, as the Steward of Scotland and the Earl of Lennox were seen approaching, and it was hoped brought offers of pacification. But the contrary was the case. They had failed, they said, in all their efforts to prevail on the Scottish army to listen to any proposals, and had not been able to persuade a single soldier to desert. As a last resource, Surrey, who seems to have been aware of the strong position occupied by the Scots, and of the danger of crossing the river, despatched two friars to propose terms to Wallace, who made this memorable reply:—"Return to your friends, and tell them that we came here with no peaceful intent, but ready for battle, and determined to avenge our own wrongs and set our country free. Let your masters come and attack us; we are ready to meet them beard to beard."[2] Incensed at this cool defiance, the English presumptuously and eagerly

[1] Hemingford, p. 127.

[2] Hemingford, vol. i. p. 126.

demanded to be led on; upon which Sir Richard Lundin, a Scottish knight, who had gone over to the enemy at Irvine, anxiously implored them to be still. "If," said he, "you once attempt to pass the bridge, you are desperately throwing away your lives. The men can only cross two by two. Our enemies command our flank, and in an instant will be upon us. I know a ford not far from hence where you may pass by sixty at a time. Give me but five hundred horse, and a small body of foot, I shall turn the enemy's flank, whilst you, lord earl, and the rest of the army, may pass over in security." This was the sound advice of a veteran soldier who knew the country; but although it convinced some, it only irritated others, and among these last, Hugh Cressingham the treasurer. "Why, my lord," cried he to Surrey, who was prudently hesitating, "why do we protract the war, and spend the king's money? Let us pass on as becomes us, and do our duty."[1]

Stung with this reproach, Surrey weakly submitted his better judgment to the rashness of this Churchman, and commanded the army to defile over the bridge. Sir Marmaduke Twenge, a knight of great experience and courage, along with Cressingham himself, led the van; and when nearly the half of the army had passed the bridge, perceiving that the Scots kept their strong ground on the heights, Twenge, with chivalrous impetuosity, gave orders for a charge, and made the heavy-armed cavalry spur their horses up the hill. The consequence of this precipitate movement was fatal to the English. A part of the Scottish army had by this time made a circuit and possessed themselves of the foot of the bridge;[2] and Wallace, the moment that he saw the communication between the van and the rear of the English force thus cut off, and all retreat impossible, rushed rapidly down from the high ground, and attacking Twenge and Cressingham, before they had time to form, threw them into inextricable disorder. In an instant all was tumult and confusion. Many were slain, multitudes of the heavy-armed horse plunged into the river, and were drowned in making a vain effort to rejoin Surrey, who kept on the other side, a spectator of the discomfiture of the flower of his army. In the meantime, the standard-bearers of the king and of the earl, with another part of the army, passed over, and shared the fate of their companions, being instantly cut to pieces. A spirited scene now took place. Sir Marmaduke Twenge, on looking round, perceived that the Scots had seized the bridge, and that he and his soldiers were cut off from the rest of the army. A knight advised, in this perilous crisis, that they should throw themselves into the river, and swim their horses to the opposite bank. "What," cried Twenge, "volunteer to drown myself, when I can cut my way through the midst of them, back to the bridge! Never let such foul slander fall on us!" So saying, he put spurs to his horse, and driving him into the midst of the enemy, hewed a passage for himself through the thickest of the Scottish columns, and rejoined his friends, with his nephew and his armour-bearer, in perfect safety.

Meanwhile the Scots committed a dreadful slaughter. It is the remark of the historian Hemingford, who describes this victory of Stirling from the information of eye-witnesses, that in all Scotland there could not be found a place better fitted for the defeat of a powerful army by a handful of men, than the ground which Wallace had chosen.[3] Multitudes perished in the river; and as the confusion and slaughter increased, and the entire defeat of the English became inevitable, the Earl of Lennox and the Steward

[1] "Mirum dictu," exclaims Hemingford, in an animated reflection on the madness of Surrey's conduct, "sed terribile, quid in eventu, quod tot et tanti discreti viri dum scirent hostes impromptu, strictum pontem ascenderint, quod bini equestres, vix et cum difficultate simul transire potuerunt."—Hem., vol. i. p. 128.

[2] Hemingford, 128. — "Descenderunt de monte, et missis viris lancearii occupaverunt pedem pontis, ita quod extunc nulli patebat transitus vel regressus." See also Walsingham, p. 78.

[3] Hemingford, vol. i. p. 128.

of Scotland, who, although allies of the King of England, were secretly in treaty with Wallace, threw off the mask, and led a body of their followers to destroy and plunder the flying English. Surrey, on being joined by Sir Marmaduke Twenge, remained no longer on the field; but having hastily ordered him to occupy the castle of Stirling, which he promised to relieve in ten days, he rode, without drawing bridle, to Berwick: a clear proof of the total defeat of the powerful army which he had led into Scotland. From Berwick he proceeded to join the Prince of Wales in the south, and left the country which had been intrusted to him exposed to ravage and desolation. Although the English historians restrict the loss of soldiers in this fatal and important battle to five thousand foot, and a hundred heavy-armed horse,[1] it is probable that nearly one half of the English army was cut to pieces, and Cressingham the treasurer was amongst the first who fell. Hemingford allows that the plunder which fell into the hands of the Scots was very great, and that waggons were filled with the spoils. Smarting under the cruelty and rapacity with which they had been treated by the English, the Scots were not slow now to take their revenge, nor was Wallace of a temper to restrain his soldiers. Few prisoners seem to have fallen into their hands, and the slaughter was general and indiscriminate. So deep was the detestation in which the character of Cressingham was regarded, that his dead body was mangled, the skin torn from the limbs, and in savage triumph cut into pieces.[2]

[1] So say Hemingford and Knighton. But Trivet, p. 307, and Walsingham, p. 73, assert, that before the half of the English army had passed, the Scots attacked and put almost all of them to the sword. Now the English army consisted of fifty thousand foot and one thousand horse. Hemingford, p. 127. See Notes and Illustrations, letter H.

[2] Triveti Ann. p. 307. Hemingford, p. 130. The Chron. Lanercost, p. 190, says that Wallace ordered as much of his skin to be taken off as would make a sword belt. This is the origin of the stories of Abercromby, vol. i. p. 531, that the Scots made *girths* of his skin, and of others that they made saddles of it. Hailes, vol. i. p. 252.

The decisive nature of the defeat is, perhaps, most apparent from the important consequences which attended it. To use the words of Knighton, "this awful beginning of hostilities roused the spirit of Scotland, and sunk the hearts of the English."[3] Dundee immediately surrendered to Wallace, and rewarded his army by a rich booty of arms and money. In a short time not a fortress or castle in Scotland remained in the hands of Edward. The castles of Edinburgh and Roxburgh were dismantled; and Berwick, upon the advance of the Scottish army, having been hastily abandoned, Wallace sent Henry de Haliburton, a Scottish knight, to occupy this important frontier town.[4] Thus, by the efforts of a single man, not only unassisted, but actually thwarted and opposed by the nobility of the country, was the iron power of Edward completely broken, and Scotland once more able to lift her head among free nations.

A dreadful dearth and famine, no unfrequent accompaniment of the ravages of war, now fell severely upon the country; and Wallace, profiting by the panic inspired by his victory at Stirling, resolved upon an immediate expedition into England.[5] To enable his own people to lay in, against the time of scarcity, the provisions which would otherwise be consumed by his numerous army, and to support his soldiers during the winter months in an enemy's country, were wise objects. Previous, however, to his marching into England, he commanded that from every county, barony, town, and village, a certain proportion of the fighting men, between sixteen and sixty, should be levied. These levies, however, even after so decisive a victory as that of Stirling, were tardily made. The vassals of Scotland, tied up by the rigid fetters of the feudal law, could not join Wallace without the authority of their overlords; and as most of the Scottish nobility had left hostages for their fidelity in the hands of Edward, and many of them

[3] Hen. Knighton, p. 2519.

[4] Scala Chronicon, a Stevenson, p. 124.

[5] Fordun a Goodal, vol. ii. p. 172.

possessed great estates in England, which, upon joining Wallace, would have immediately been forfeited, they did not yet dare to take the field against the English. A jealousy, too, of the high military renown and great popularity of Wallace prevented all cordial co-operation; and the contempt with which this deliverer of his country must have regarded the nobility, who yet sheltered themselves under the protection of Edward, was not calculated to allay this feeling. The battle of Stirling was fought on the 11th of September; and on the 25th of that month the English government, alarmed at the success of Wallace, sent letters to the principal Scottish nobility, praising them for their fidelity to the king; informing them that they were aware the Earl of Surrey was on his way to England, (a delicate way of noticing the flight of Warrene from Stirling;) and directing them to join Brian Fitz-Alan, the governor of Scotland, with all their horse and foot, in order to put down the rebellion of the Scots. The only nobles with whom the English government did not communicate were the Earls of Caithness, Ross, Mar, Athole, Fife, and Carrick. Fife, however, was a minor; the others, we may presume, had by this time joined the party of Wallace.[1]

The great majority of the nobles being still against him, this intrepid leader found it difficult to procure new levies, and was constrained to adopt severe measures against all who were refractory. Gibbets were erected in each barony and county town; and some burgesses of Aberdeen, who had disobeyed the summons, were hanged.[2] After this example he soon found himself at the head of a numerous army; and having taken with him, as his partner in command, Sir Andrew Moray of Bothwell, then a young soldier of great promise, and afterwards regent of the kingdom, he marched towards the north of England, and threatened Northumberland.[3] Such was the terror inspired by the approach of the Scots, that the whole population of this county, with their wives and children, their cattle and household goods, deserted their dwellings, and took refuge in Newcastle. The Scots, to whom plunder was a principal object, delayed their advance; and the Northumbrians, imagining the danger to be over, returned home; but Wallace, informed of this by his scouts, made a rapid march across the border, and dreadfully ravished the two counties of Cumberland and Northumberland, carrying off an immense booty, and having the head-quarters of his army in the forest of Rothebury. "At this time," says Hemingford, "the praise of God was unheard in any church and monastery through the whole country, from Newcastle-upon-Tyne to the gates of Carlisle; for the monks, canons regular, and other priests, who were ministers of the Lord, fled, with the whole people, from the face of the enemy; nor was there any to oppose them, except that now and then a few English, who belonged to the castle of Alnwick, and other strengths, ventured from their safeholds, and slew some stragglers. But these were slight successes; and the Scots roved over the country from the Feast of St Luke to St Martin's day,[4] inflicting upon it all the miseries of unrestrained rapine and bloodshed."[5]

After this, Wallace assembled his whole army, and proceeded in his destructive march to Carlisle. He did not deem it prudent, however, to attack this city, which was strongly garrisoned; and contented himself with laying waste Cumberland and Annandale, from Inglewood forest to Derwentwater and Cockermouth.[6]

[1] John Comyn of Badenoch; Patrick, earl of Dunbar; Umfraville, earl of Angus; Alexander, earl of Menteith; Malise, earl of Strathern; James, the Steward of Scotland; John Comyn, earl of Buchan; Malcolm, earl of Lennox; and William, earl of Sutherland; Nicholas de la Haye; Ingelram de Umfraville; Richard Fraser, and Alexander de Lindesay, were the nobles written to by the English government. Rotuli Scot. vol. i. p. 49.

[2] Fordun a Goodal, vol. ii. p. 172.

[3] Hemingford, vol. i. p. 131.

[4] From 18th Oct. to 11th Nov.

[5] Hemingford, vol. i. p. 132. Fordun a Hearne, p. 980.

It was next determined to invade the county of Durham, which would have been easily accomplished, as three thousand foot and a hundred armed horse were all that could be mustered for its defence. But the winter now set in with great severity. The frost was so intense, and the scarcity of provisions so grievous, that multitudes of the Scots perished by cold or famine, and Wallace commanded a retreat. On returning to Hexham, where there was a rich monastery, which had already been plundered and deserted on the advance, a striking scene occurred. Three monks were seen in the solitary monastery. Thinking that the tide of war had passed over, they had crept back, to repair the ravages they had left, when suddenly they saw the army returning, and fled in terror into a little chapel. In a moment the Scottish soldiers with their long lances were upon them, calling, on peril of their lives, to shew them the treasures of their monastery. "Alas!" said one of the monks, "it is but a short time since you yourselves have seized our whole property, and you know best where it now is." At this moment Wallace himself came into the chapel, and, commanding his soldiers to be silent, requested one of the canons to celebrate mass. The monk obeyed, and Wallace, all armed as he was, and surrounded by his soldiers, reverently attended. When it came to the elevation of the host, he stepped out of the chapel to cast off his helmet and lay aside his arms, but in this short absence the fury and avarice of his soldiers broke out. They pressed on the priest, snatched the chalice from the altar, tore away its ornaments and the sacred vestments, and even stole the missal in which the service had been begun. When their master returned, he found the priest in horror and dismay, and gave orders that the sacrilegious wretches who had committed the outrage should be sought for and put to death. Meanwhile he took the canons under his protection. "Remain with me," said he; "it is that alone which can secure you. My soldiers are evil disposed. I cannot justify, and I dare not punish them."[1] This sacrilegious attack was the more unpardonable, as the monastery of Hexham was dedicated to the patron saint of Scotland, and enjoyed a perpetual protection from King David. Wallace, to atone for the outrage, granted a charter of protection to the priory and convent, by which its lands, men, and movables, were admitted under the peace of the king, and all persons interdicted from doing them injury.[2] The Scots now advanced to Newcastle, but finding the garrison prepared to stand a siege, they contented themselves with ravaging the adjacent country; and having collected the booty, they allotted their part to the Galwegians who were with the army, and marched homewards.[3]

In revenge for this terrible visitation, Lord Robert Clifford collected the strength of Carlisle and Cumberland, and twice invaded Annandale with an army of twenty thousand foot and a hundred horse. On passing the Solway, it was proclaimed by sound of trumpet that every soldier should plunder for himself, and keep his own booty; on hearing which, the infantry with undisciplined rapacity dispersed, and the horse alone remained together. In consequence of this, nothing was effected worthy of so powerful an army. Three hundred and eight Scots were slain, ten villages or hamlets burnt, and a few prisoners taken. This happened at Christmas. In his second inroad, the town of Annan, and the church of Gysborne, were burnt and plundered.[4] Annandale belonged to Robert Bruce; and the destruction of his lands and villages determined him once more to desert

[1] Hemingford, vol. i. pp. 133, 134. Knighton, p. 2521.

[2] This famous instrument is granted in name of "Andrew de Moray, and William Wallace, leaders of the army of Scotland, in the name of the illustrious prince, John, by the grace of God, King of Scotland, and with consent of the Estates of the kingdom." It is dated at Hexham, on the 8th of November 1297. Hemingford, p. 135.

[3] "Dividentes inter se spolia quæsita, tradiderunt Galivalensibus partes suas, et abierunt in loca sua." Hemingford, p. 136.

[4] Knighton, p. 2522.

the English, and join the party of the patriots.

Soon after his return from his expedition into England, Wallace, in an assembly held at the Forest Kirk in Selkirkshire, which was attended by the Earl of Lennox, William Douglas, and others of the principal nobility, was elected Governor of Scotland, in name of King John, and with consent of the community of Scotland.[1] Strengthened by this high title, which he had so well deserved, and which the common people believed was ratified by the express approval of St Andrew, who presented to the hero a sacred sword, to be used in his battles against the English,[2] he proceeded to reward his friends and fellow-soldiers, to punish his enemies; and, despising the jealousy and desertion of a great majority of the nobility, to adopt and enforce those public measures which he considered necessary for securing the liberty of the country. He conferred the office of Constable of Dundee upon Alexander Skirmishur, or Scrimgeour, and his heirs, for his services in bearing the royal banner of Scotland.[3] By a strict severity, he restrained the licentiousness of his soldiers, and endeavoured to introduce discipline into his army.[4] In order to secure a certain proportion of new levies, at any time when the danger or exigency of the state required it, he divided the kingdom into military districts. In each shire, barony, lordship, town, and burgh, he appointed a muster-book to be made, of the number of fighting men which they contained, between the age of sixteen and sixty;[5] and from these he drew at pleasure, and in case of refusal under pain of life and limb, as many recruits as he thought requisite. In a short time, such were the effects of his firm and courageous dealing in the government, that the most powerful of the nobility were compelled, by the fears of imprisonment, to submit to his authority, although they envied him his high elevation, and whenever an opportunity presented itself, took part with the King of England.[6] But although few of the earls had joined him, the lesser barons and gentry repaired in great numbers to the banner of the governor, and willingly supported him with all their forces.

The general revolt of the Scots, and that rapid success with which it was attended, determined the English Regency to summon a parliament at London, on the 10th of October.[7] To this assembly came the Earl of Norfolk and the Earl of Hereford, the one Marshal and the other Constable of England, with so powerful a body of their retainers, that they overawed its proceedings; and aware of the trying emergency in which the rebellion of the Scots had placed the king, they declared that no aids or levies should be granted against the Scots, unless the Great Charter, and the Charter of the Forests, were ratified, along with an additional clause, which prohibited any aid or tillage from being exacted, without the consent of the prelates, nobles, knights, and other freemen. Edward was startled when informed of these demands. His affairs detained him in Flanders, where accounts had reached him of the whole of Scotland having been wrested from his hand by Wallace: he was still engaged in a war with France; and, thus surrounded by difficulties, it was absolutely necessary for him to make every sacrifice to remain on good terms with his barons.[8] He accordingly, after three

[1] Fordun a Goodal, vol. ii. p. 174. Crawford, Hist. of House of Douglas, p. 22, MS., quoted in Sir R. Sibbald's Commentary on the Relationes Arnaldi Blair.

[2] Fordun a Goodal, p. 170.

[3] This famous grant is dated at Torphichen, March 29, 1298; apud Anderson, Diplomata Scotiæ.

[4] He appointed an officer or sergeant over every four men, another of higher power over every nine, another of still higher authority over every nineteen men, and thus, in an ascending scale of disciplined authority, up to the officer, or chiliarch, who commanded a thousand men. Fordun a Goodal, vol. ii. p. 171.

[5] Fordun a Goodal, vol. ii. p. 170.

[6] "Et si quis de magnatibus gratis suis non obediret mandatis, hunc tenuit et coercuit, et custodiæ mancipavit, donec suis bene placitis penitus obtemperaret." Fordun a Goodal, vol. ii. p. 170.

[7] Hemingford, vol. i. p. 138.

[8] Tyrrel, Hist. Eng. vol. iii. p. 124. Hemingford, vol. i. p. 138. Triveti Annales, p. 309

days' deliberation, consented to confirm all the charters which had been sent over to him; and having wisely secured the affections of his nobility, he directed letters to the earls and barons of England, commanding them, as they valued his honour, and that of the whole kingdom, to meet at York on the 14th January, and thence, under the orders of the Earl of Surrey, to proceed into Scotland, and put down the rebellion of that nation.[1] At the same time he sent letters to the great men of Scotland, requiring them on their fealty to attend the muster at York, and denouncing them as public enemies if they refused.

These seasonable favours granted to the nobility, and the good grace with which Edward bestowed them, although, in truth, they were extorted from him much against his inclination, rendered the king highly popular; so that at York, on the day appointed, there was a great muster of the military force of the kingdom. There came the Earl Marshal and the Great Constable of England, the Earl of Surrey, the king's lieutenant against the Scots, the Earls of Gloucester and Arundel, Lord Henry Percy, John de Wake, John de Segrave, Guido, son of the Earl of Warwick, and many other powerful earls and barons.[2] Having waited in vain for the Scottish nobles whom Edward had summoned to attend—an order which, as the result shewed, the dread of Wallace rather than the love of their country compelled them to disobey—the English nobles appointed a general muster of their forces to be held eight days after, at Newcastle-upon-Tyne, purposing from thence to march against the enemy. Here they accordingly met, and the army, both in numbers and equipment, was truly formidable. There were two thousand heavy cavalry, armed both horse and man at all points, along with two thousand light horse, and a hundred thousand foot, including the Welsh. With this force they marched across the border, and advanced to Roxburgh. This important fortress was then invested by Wallace; and the garrison, worn out by a long siege, were in a state of great distress, when the army of Surrey made its appearance, and the Scots thought it prudent to retire. After relieving "their wounded countrymen," the English skirmished as far as Kelso, and returned to occupy Berwick, which had been in the hands of the Scots since the battle of Stirling. They found it deserted, and brought a joyful relief to the castle, the garrison of which had stoutly held out, whilst the rest of the town was in possession of the enemy.[3]

Edward, in the meantime, having learnt in Flanders the strength of the army which awaited his orders, was restless and impatient till he had joined them in person. His anger against the Scots, and his determination to inflict a signal vengeance upon their perfidy on again daring to defend their liberties, had induced him to make every sacrifice, that he might proceed with an overwhelming force against this country. For this purpose, he hastened to conclude a truce with the King of France, and to refer their disputes to the judgment of Boniface the pope.[4] He wrote to the Earl of Surrey not to march into Scotland till he had joined the army in person; and having rapidly concluded his affairs in Flanders, he took shipping, and landed at Sandwich, where he was received with much rejoicing and acclamation.[5] Surrey, on receiving letters from the king to delay his expedition, had retained with him a small proportion of his troops, and dismissed the rest; but the moment Edward set his foot in England, he directed his writs, by which he summoned the whole military power of the kingdom to meet him at York, on the Feast of Pentecost, with horse and

[1] The confirmation of Magna Charta and the Charta de Foresta is dated at Ghent, Nov. 5, 1297. Rymer, new edit. vol. i. part ii. p. 880.
[2] Hemingford, vol. i. p. 144.
[3] Knighton, p. 2525. Triveti Annales, p. 311.
[4] Rymer's Fœdera, new edit. vol. i. part ii. p. 887.
[5] Ibid. p. 889.

arms, to proceed against the Scots.[1] He also commanded all the earls and barons, with two knights of every shire, and the representatives from the towns and burghs, to attend his parliament to be held in that city; and summoned the nobility of Scotland, unless they chose to be treated as vassals who had renounced their allegiance, to be there also on the day appointed.[2] To this summons they paid no regard. Those who had accompanied him in his expedition to Flanders, on his embarkation for England, forsook him, and resorted to the French king; and the rest of the Scottish barons, although jealous of Wallace, dreaded the vengeance which his power and high authority as governor entitled him to inflict on them. Meanwhile Edward, having commanded his army to rendezvous at Roxburgh on the 24th of June, with misplaced devotion, made a pilgrimage to the shrine of St John of Beverley. The sacred standard of this saint, held in deep reverence by the king and the army, had been carried with the host in the former war; and it is probable Edward would not lose the opportunity of taking it along with him in this expedition.

On coming to Roxburgh, he found himself at the head of an army more formidable in their number, and more splendid in their equipment, than even that which had been collected by the Earl of Surrey six months before. He had seven thousand horse, three thousand heavy-armed, both men and horse, and four thousand light cavalry. His infantry consisted at first of eighty thousand men, mostly Welsh and Irish; but these were soon strengthened by the arrival of a powerful reinforcement from Gascony, amongst whom were five hundred horse, splendidly armed, and admirably mounted. On reviewing his troops, Edward found that the Constable and Marshal, with the barons of their party, refused to advance a step until the confirmation of the Great Charter and the Charter of the Forests had been ratified by the king in person: so jealous were they of their new rights, and so suspicious lest he should plead that his former consent, given when in foreign parts, did not bind him within his own dominions.[3] Edward dissembled his resentment, and evaded their demand, by bringing forward the Bishop of Durham, and the Earls of Surrey, Norfolk, and Lincoln, who solemnly swore, on the soul of their lord the king, that on his return, if he obtained the victory, he would accede to their request.[4] Compelled to rest satisfied with this wary promise, which he afterwards tried in every way to elude, the refractory barons consented to advance into Scotland.

Meanwhile that country, notwithstanding the late expulsion of its enemies, was little able to contend with the superior numbers and discipline of the army now led against it. It was cruelly weakened by the continued dissensions and jealousy of its nobility. Ever since the elevation of Wallace to the rank of Governor of Scotland, the greater barons had envied his assumption of power; and, looking upon him as a person of ignoble birth, had seized all opportunities to despise and resist his authority.[5] These selfish jealousies were increased by the terror of Edward's military renown, and in many by the fear of losing their English estates; so that at the very time when an honest love of liberty, and a simultaneous spirit of resistance, could alone have saved Scotland, its nobility deserted their country, and refused to act with the only man whose success and military talents were equal to the emergency.

[1] Tyrrel, vol. iii. p. 129. Rymer, vol. i. part ii. p. 890. Palgrave's Parliamentary Writs, Chron. Abstract, p. 38. The names of the leaders to whom writs are directed occupy the whole Rotulus Scotiæ 26 and 27 Edward First. They are a hundred and fifty-four in number.

[2] Hemingford, vol. i. p. 158.

[3] Hemingford, p. 159.

[4] "Quod in reditu," *suo. obtenta victoria*, "omnia perimpleret ad votum." Hemingford, p. 159.

[5] "Licet apud comites regni et proceres ignobilis putaretur." Fordun a Hearne, p. 978. See also Fordun a Goodal, vol. ii. p. 174.

The governor, however, still endeavoured to collect the strength of the land. John Comyn of Badenoch, the younger, Sir John Stewart of Bonkill, Sir John Graham of Abercorn, and Macduff, the grand-uncle of the Earl of Fife, consented to act along with him; whilst Robert Bruce, maintaining a suspicious neutrality, remained with a strong body of his vassals in the castle of Ayr.

The plan adopted by Wallace for the defence of Scotland was the same as that which was afterwards so successfully executed by Bruce. It was to avoid a general battle, which, with an army far inferior to the English, must have been fought at a disadvantage; to fall back slowly before the enemy, leaving some garrisons in the most important castles, driving off all supplies, wasting the country through which the English were to march, and waiting till the scarcity of provisions compelled them to retreat, and give him a favourable opportunity of breaking down upon them with full effect. Edward had determined to penetrate into the west of Scotland, and there he purposed to conclude the war. He directed a fleet, with supplies for his army, to sail round from Berwick to the Firth of Forth; and having left Roxburgh, he proceeded by moderate marches into Scotland, laying waste the country, and anxious for a sight of his enemies. No one, however, was to be found who could give him information regarding the Scottish army; and he proceeded through Berwickshire to Lauder,[1] and without a check to Templeliston, now Kirkliston, a small town between Edinburgh and Linlithgow. Here, as provisions began already to be scarce, he determined to remain, in order to receive the earliest intelligence of his fleet; and, in case of accidents, to secure his retreat. At this time he learnt that frequent attacks were made against the foraging parties of his rear division, by the Scottish garrison in the strong castle of Dirleton: and that two other fortalices, which he had passed on his march, were likely to give him annoyance.[2] Upon this he despatched his favourite marshal bishop, Anthony Beck, who sat down before the castle; but, on account of the want of proper battering machines, found it too strong for him. He then attempted to carry it by assault, but was driven back with loss; and as his division began to be in extreme want, the bishop sent Sir John Marmaduke to require the king's pleasure. "Go back," said Edward, "and tell Anthony that he is right to be pacific when he is acting the bishop, but that in his present business he must forget his calling. As for you," continued the king, addressing Marmaduke, "you are a relentless soldier, and I have often had to reprove you for too cruel an exultation over the death of your enemies; but return now whence you came, and be as relentless as you choose. You will have my thanks, not my censure; and look you, do not see my face again, till these three castles are razed to the ground."[3]

In the meantime, the besiegers were relieved from the extremities of want, by the arrival of three ships with provisions; and the bishop, on receiving the king's message, took advantage of the renewed strength and spirit of his soldiers to order an assault, which was successful; the garrison having stipulated, before surrender, that their lives should be spared.[4] Edward, when at Kirkliston, had raised some of the young squires in his army to the rank of knighthood; and these new knights were sent to gain their spurs, by taking the other two fortalices. On coming before them, however, they found that the Scots had abandoned them to the enemy; and having destroyed them, they rejoined the main army.[5]

These transactions occupied a month, and the army began again to suffer severely from the scarcity of provisions. The fleet from Berwick was anxiously looked for, and Edward

[1] Prynne, Edward I., p. 788.

[2] Hemingford, vol. i. p. 160.
[3] Ibid.
[4] Ibid. p. 161. Walsingham, p. 75.
[5] Hemingford, vol. i. p. 161.

foresaw that in the event of its arrival being protracted a few days longer, he should be compelled to retreat. At last a few ships were seen off the coast, which brought a small supply; but the great body of the fleet was still detained by contrary winds, and a dangerous mutiny broke out in the camp. The Welsh troops had suffered much from famine; and a present of wine having been sent to them by the king, their soldiers, in a paroxysm of intoxication and national antipathy, attacked the English quarters in the night, and inhumanly murdered eighteen priests. Upon this the English cavalry hastily ran to their weapons, and breaking in upon the Welsh, slew eighty men. In the morning the Welsh, of whom there were forty thousand in the army, exasperated at the death of their companions, threatened to join the Scots. "Let them do so," said Edward, with his usual cool courage; "let them go over to my enemies: I hope soon to see the day when I shall chastise them both." This day, however, was, to all appearance, distant. The distress for provisions now amounted to an absolute famine. No intelligence had been received of the Scottish army. As the English advanced, the country had been wasted by an invisible foe; and Edward, wearied out, was at length compelled to issue orders for a retreat to Edinburgh, hoping to meet with his fleet at Leith, and thereafter to recommence operations against the enemy.

At this critical juncture, when the military skill and wisdom of the dispositions made by Wallace became apparent, and when the moment to harass and destroy the invading army in its retreat had arrived, the treachery of her nobles again betrayed Scotland. Two Scottish lords, Patrick, earl of Dunbar, and the Earl of Angus, privately, at daybreak, sought the quarters of the Bishop of Durham, and informed him that the Scots were encamped not far off in the forest of Falkirk. The Scottish earls, who dreaded the resentment of Edward, on account of their late renunciation of allegiance,[1] did not venture to seek the king in person. They sent their intelligence by a page, and added, that having heard of his projected retreat, it was the intention of Wallace to surprise him by a night attack, and to hang upon and harass his rear. Edward, on hearing this welcome news, could not conceal his joy. "Thanks be to God," he exclaimed, "who hitherto hath extricated me from every danger! They shall not need to follow me, since I shall forthwith go and meet them." Without a moment's delay, orders were issued for the soldiers to arm, and hold themselves ready to march. The king was the first to put on his armour; and, mounting his horse, rode through the camp, hastening the preparations, and giving orders in person, to the merchants and sutlers who attended the army to pack up their wares, and be ready to follow him. At length all was prepared, and at three o'clock the whole army was on its advance from Kirkliston to Falkirk, astonished at the sudden change in the plan of operations, and at the slow and deliberate pace with which they were led on. It was late before they reached a heath near Linlithgow, on which they encamped for the night. They were not allowed the refreshment of disarming themselves; but to use the striking words of Hemingford, "each soldier slept on the ground, using his shield for his pillow; each horseman had his horse beside him, and the horses themselves tasted nothing but cold iron, champing their bridles." In the middle of the night a cry was heard. King Edward, who slept on the heath, whilst a page held his horse, was awakened by a sudden stroke on his side. The boy had been

[1] Hemingford, vol. i. p. 162. Lord Hailes has omitted to notice the fact that the intelligence regarding the position of the army was brought by two Scottish earls. It is difficult to understand how he should have overlooked it, as he quotes the very page of Hemingford where it is stated. He has attempted to disprove what appears to me completely established by the authority of Hemingford, "that the defeat at Falkirk was brought about by the dissensions amongst the Scottish leaders."

careless, and the horse, in changing his position, had put his foot on the king as he slept. Those around him cried out that their prince was wounded; and this, in the confusion of the night, was soon raised into a shout that the enemy were upon them, so that they hastily armed themselves, and prepared for their defence. But the mistake was soon explained. Edward had been only slightly hurt; and as the morning was near, he mounted his horse, and gave orders to march. They passed through Linlithgow a little before sunrise; and on looking up to a rising ground, at some distance in their front, observed the ridge of the hill lined with lances. Not a moment was lost. Their columns marched up the hill, but on reaching it, the enemy had disappeared; and as it was the feast of St Mary Magdalene, the king ordered a tent to be raised, where he and the Bishop of Durham heard mass. These lances had been the advanced guard of the enemy; for while mass was saying, and the day became brighter, the English soldiers could distinctly see the Scots in the distance arranging their lines, and preparing for battle.

The Scottish army did not amount to the third part of the force of the English; and Wallace, who dreaded this great disparity, and knew how much Edward was likely to suffer by the protraction of the war and the want of provisions, at first thought of a retreat, and hastened to lead off his soldiers; but he soon found that the English were too near to admit of this being accomplished without certain destruction; and he therefore proceeded to draw up his army, so as best to avail himself of the nature of the ground, and to sustain the attack of the English. He divided his infantry into four compact divisions, called *Schiltrons*,[1] composed of his lancers. In the first line the men knelt, with their lances turned obliquely outwards, so as to present a serried front to the enemy on every side. In this infantry consisted the chief strength of the Scottish army, for the soldiers stood so close, and were so linked or chained together, that to break the line was extremely difficult.[2] In the spaces between these divisions were placed the archers, and in the rear was drawn up the Scottish cavalry, consisting of about a thousand heavy-armed horse.[3]

After hearing mass, the King of England, being informed of the Scottish disposition of battle, hesitated to lead his army forward to the attack, and proposed that they should pitch their tents, and allow the soldiers and the horses time for rest and refreshment. This was opposed by his officers as unsafe, on account of there being nothing but a small rivulet between the two armies. "What then would you advise?" asked Edward. "An immediate advance," said they; "the field and the victory will be ours." "In God's name, then, let it be so," replied the king; and without delay, the barons who commanded the first division, the Marshal of England, and the Earls of Hereford and Lincoln, led their soldiers in a direct line against the enemy. They were not aware, however, of an extensive moss which stretched along the front of the Scottish position, and on reaching it, were obliged to make a circuit to the west to get rid of the obstacle. This retarded their attack; meanwhile the second line, under the command of the Bishop of Durham, being better informed of the nature of the ground, in advancing inclined to the east with the same object. The bishop's cavalry were fiery and impetuous. Thirty-six banners floated above the mass of spears, and shewed how many leaders of distinction were in the field; but Anthony Beck, who had seen enough of war to know the danger of too pre-

[1] See Notes and Illustrations, letter I.

[2] "Ther formost courey ther bakkis togidere sette,
There speres poynt over poynt, so sare, and so thikke
And fast togidere joynt, to se it was werlike,
Als a castelle thei stode, that were walled with stone,
Thei wende no man of blode thorgh tham suld haf gone."
—Langtoft's Chronicle, book ii. l. 304, 305.

[3] Hemingford, vol. i. p. 163.

cipitate an attack, commanded them to hold back, till the third line, under the king, came up to support them. "Stick to thy mass, bishop," cried Ralph Basset of Drayton, "and teach not us what we ought to do in the face of an enemy." "On then," replied the bishop; "set on in your own way. We are all soldiers to-day, and bound to do our duty." So saying, they hastened forward, and in a few minutes engaged with the first column of the Scots; whilst the first line, which had extricated itself from the morass, commenced its attack upon the other flank. Wallace's anxiety to avoid a battle had in all probability arisen from his having little dependence on the fidelity of the heavy-armed cavalry, commanded by those nobles who hated and feared him; and the events shewed how just were his suspicions: for the moment the lines met, the whole body of the Scottish horse shamelessly retired without striking a blow.[1]

The columns of infantry, however, with the intermediate companies of archers, kept their ground, and a few of the armed knights remained beside them. Amongst these, Sir John Stewart of Bonkill, in marshalling the ranks of the archers from the forest of Selkirk, was thrown from his horse. The faithful bowmen tried to rescue him, but in vain. He was slain, and the tall and athletic figures of those who fell round him drew forth the praise of the enemy.[2] On the death of this leader, the archers gave way; but the columns of the Scottish infantry stood firm, and their oblique lances, pointing every way, presented a thick wood, through which no attacks of the cavalry could penetrate. Edward now brought up his reserve of archers and slingers, who showered their arrows upon them, with volleys of large round stones, which covered the ground where they stood. This continued and galling attack, along with the reiterated charges of the cavalry, at last broke the first line, and the heavy-armed horse, pouring in at the gap which was thus made, threw all into confusion, and carried indiscriminate slaughter through their ranks. Macduff, along with his vassals from Fife, was slain;[3] and Wallace, with the remains of his army, having gained the neighbouring wood, made good his retreat, leaving nearly fifteen thousand men dead upon the field.[4] On the English side, only two men of note fell; one of them was Sir Bryan de Jaye, Master of the Scottish Templars, who, when pressing before his men in the ardour of the pursuit, was entangled in a moss in Callander wood, and slain by some of the Scottish fugitives. The other was a companion of the same order, and of high rank.[5]

The remains of the Scottish army immediately retreated from Falkirk to Stirling. Unable to maintain the town against the English army, they set it on fire; and Edward, on entering it on the fourth day after the battle, found it reduced to ashes.[6] The convent of the Dominicans, however, escaped the flames; and here the king, who still suffered from the wound given him by his horse, remained for fifteen days to recover his health. Meantime he sent a division of his army across the Forth into Clackmannanshire and Menteith, which, after ravaging the country and plundering the villages, advanced in its destructive march through Fife. The whole of this rich and populous district was now regarded with great severity, on account of the resistance made by Macduff and the men of Fife at Falkirk. It was accordingly delivered up

[1] Fordun a Hearne, p. 981. "Nam propter conceptam maliciam, ex fonte invidiæ generatam, quam erga dictum Willelmum Cumminenses habebant, cum suis complicibus campum deserentes, illæsi evaserunt." See also Hemingford, p. 164—"Fugerunt Scottorum equestres absque ullo gladii ictu."—And Winton, vol. ii. p. 101, book viii. chap. 15, l. 47. Also Chron. de Lanercost, p. 191.

[2] Hemingford, vol. i. p. 165.

[3] Winton, vol. ii. p. 101, book viii. chap. 15, l. 45.

[4] Tyrrel, vol. iii. p. 130, who quotes, as his authority, the Norwich Chronicle and the Chronicle of John Eversden, both English authorities. The older Scottish historians, Fordun and Winton, make no mention of the loss of the Scots.

[5] Notes and Illustrations, letter K.

[6] Prynne, Edward I., p. 791. Edward was at Stirling 26th July.

to complete military execution; and, to use the words of an ancient chronicle, "clene brent."[1] The city of St Andrews was found deserted by its inhabitants, and delivered to the flames. Beginning to be in distress for provisions, the English pushed on to Perth, which they found already burnt by the Scots themselves; so that, defeated in the hope of procuring supplies, and unable longer to support themselves in a country so utterly laid waste, they returned to Stirling, the castle of which Edward had commanded to be repaired. Having left a garrison there, he proceeded to Abercorn,[2] near Queensferry, where he had hopes to find his long-expected fleet, with supplies from Berwick; but his ships were still detained. He then marched to Glasgow, and through the district of Clydesdale, by Bothwell, to Lanark, from which he proceeded towards the strong castle of Ayr, then in the hands of the younger Bruce, earl of Carrick. Bruce fled at the approach of the king, after having set fire to the castle; and Edward marched into Galloway with the intention of punishing this refractory baron, by laying waste his country.[3] The army, however, began again to be grievously in want of provisions; and the king, after having for fifteen days struggled against famine, was constrained to return through the middle of Annandale, and to be contented with the capture of Bruce's castle of Lochmaben,[4] from which he proceeded to Carlisle. Thus were the fruits of the bloody and decisive battle of Falkirk plucked from the hands of Edward, by famine and distress, at the moment he expected to secure them; and after leading against Scotland the most numerous and best appointed army which had perhaps ever invaded it, and defeating his enemies with great slaughter, he was compelled to retreat while still nearly the whole of the country beyond the Forth was unsubdued, and even when that part which he had wasted and overrun was only waiting for his absence to rise into a new revolt against him.[5] At Carlisle the Earls of Norfolk and Hereford left the army to return home, under the pretence that their men and horses were worn out with the expedition, but in reality because they were incensed at the king for a breach of faith. Edward, when at Lochmaben, had, without consulting them or their brother nobles, disposed of the Island of Arran to Thomas Bisset, a Scottish adventurer, who, having invaded and seized it about the time of the battle of Falkirk, pretended that he had undertaken the enterprise for the King of England. This was done in violation of a solemn promise, that without advice of his council, he would adopt no new measures; and to atone for so irregular a proceeding, a parliament was held at Carlisle, in which the king, who as yet was master of but a very small part of Scotland, assigned to his earls and barons the estates of the Scottish nobles. These, however, as an old historian remarks, were grants given in hope, not in possession; and even the frail tenure of hope by which they were held was soon threatened: for on reaching Durham messengers arrived with the intelligence that the Scots were again in arms, and the king hastily returned to Tynemouth, and from thence to Coldingham, near Beverley. His army was now much reduced by the desertion of Norfolk and Hereford; and the soldiers who remained were weakened with famine and the fatigues of war. To commence another campaign at this late season was impossible; but he instantly issued

[1] Hardynge's Chronicle, 8vo, London, 1543, p. 165. See Notes and Illustrations, letter L.

[2] Trivet, p. 313, calls this place "Abourtoun juxta Queenesferrie;" and Hearne, the editor, in a note, observes it may mean Aberdour. Prynne, Edward I., p. 791, quotes a letter of presentation by Edward, of John Boush of London, to the vacant church of Kinkell, dated at Abercorn, Aug. 15, 1298.

[3] Hemingford, vol. I. p. 168.

[4] Ibid.

[5] Lord Hailes, 4to edit. vol. i. p. 263, ascribes the successes of Edward in this campaign to the precipitancy of the Scots. Yet the Scots were any thing but precipitate. They wasted the country, and purposely retired from Edward; nor did they fight, till the Earl of Dunbar and the Earl of Angus treacherously brought information where the Scottish army lay, and enabled Edward, by a rapid night-march, to surprise them. Edward owed his success to the fatal dissensions amongst the Scots, and to the superior numbers and equipment of his army.

his writs for the assembling of a new army, to chastise, as he said, the obstinate and reiterated rebellions of the Scots; and he appointed his barons to meet him at Carlisle on the eve of the day of Pentecost.[1] He also commanded the speedy collection of the money granted by the clergy of the province of York to assist him in his war with Scotland; and despatched letters to the nobles of England, ordering their attendance in the army destined against Scotland. Patrick, earl of Dunbar and March, and his son, Gilbert de Umfraville, earl of Angus, Alexander de Baliol, and Simon Fraser, all of them Scottish barons, were at this time friends to Edward, and resident at his court, and to them were the same commands directed.[2]

Wallace, soon after the defeat of Falkirk, voluntarily resigned the office of Governor of Scotland. The Comyns had threatened to impeach him of treason for his conduct during the war; and the Bruces, next in power to the Comyns, appear to have forgot their personal animosity, and united with their rivals to put him down. To these accusations the disaster at Falkirk gave some colour, and he chose rather to return to the station of a private knight, than to retain an elevation which, owing to the jealousy of the nobility, brought ruin and distress upon the people.[3] One ancient manuscript of Fordun[4] asserts that he passed over into France, where he was honourably welcomed and entertained by Philip, and increased his high character for personal prowess, by his successes against the pirates who then infested the seas; so that his exploits were celebrated in the French songs and ballads of the day. An examination of the valuable historical materials which exist in the public libraries of France might perhaps throw some light on this dark portion of his story. It is certain that his great name does not again recur in any authentic record, as bearing even a secondary command in the wars against Edward; nor indeed do we meet with him in any public transaction, until eight years after this, when he fell a victim to the unrelenting vengeance of that prince.

On the demission of Wallace, the Scottish barons chose John Comyn of Badenoch, the younger, and John de Soulis, to be governors of Scotland,[5] and after some time Bruce, earl of Carrick, and William Lamberton, bishop of St Andrews, were associated in the command.[6]

It is now necessary to allude to an attempt at a pacification between Edward and the Scots, which some time previous to this had been made by Philip of France; as the negotiations which then took place conduct us to the termination of Baliol's career, and throw a strong light on the character of the King of England.

John Baliol, whom the Scots still acknowledged as their rightful monarch, had remained a prisoner in England since 1296. On the conclusion of a truce between the Kings of France and England in 1297,[7] the articles of which afterwards formed the basis of the negotiations at Montreuil,[8] and of the important peace of Paris.[9] Philip demanded the liberation of Baliol, as his ally, from the tower. He required, also, that the prelates, barons, knights,

[1] Hemingford, vol. i. p. 166. "Juxta octavas beatæ virginis." 8th Sept. The king was at Carlisle till the 12th Sept. Prynne, Edward I., p. 789. Tyrrel, vol. iii. p. 131, on the authority of the Chron. Abingdon, p. 171, says the parliament was held at Durham. Rymer, Fœdera, new edit. part ii. p. 899. Prynne's Edward I., p. 789. The day of assembling was afterwards prorogated to the 2d of August. Rymer, new edit. part ii. p. 908.

[2] Madox's Hist. of Exchequer, chap. xvi. § 5, p. 445. Ex. Rotul. de adventu vicecomitum.

[3] "Eligens magis subesse cum plebe quam cum ejus ruina et gravi populi præesse dispendio, non diu post bellum variæ capellæ apud aquam de Forth officium custodis et curam quam gerebat sponte resignavit. Fordun a Hearne, p. 982. Winton, book viii. chap. xv. vol. ii. p. 102. Lord Hailes has omitted to notice this important fact, so positively stated by Fordun and Winton.

[4] Fordun a Goodal, vol. ii. p. 176.

[5] Fordun a Hearne, p. 982. Winton, book vii. chap. xv. vol. ii. p. 103.

[6] Rymer, Fœdera, p. 915, new edit. part ii. The first notice of Robert Bruce and Bishop Lamberton, as Guardians of Scotland, is on Nov. 13, 1299.

[7] Rymer, p. 878, new edit. part ii. Oct. 9 1297.

[8] Ibid. p. 906, June 19, 1299.

[9] Ibid. p. 952, May 20, 1302.

and other nobles, along with the towns and communities, and all the inhabitants of Scotland, of what rank and condition soever, should be included in the truce, and that not only Baliol, but all the other Scottish prisoners, should be liberated, on the delivery of hostages. These demands were made by special messengers, sent for this purpose by Philip to the King of England;[1] and it is probable that John Comyn the younger, the Earl of Athole, and other Scottish barons, who had left Edward on his embarkation at Hardenburgh in Flanders,[2] and repaired to the Court of France, prevailed upon Philip to be thus urgent in his endeavours to include them and their country in the articles of pacification. Edward, however, had not the slightest intention of allowing the truce to be extended to the Scots. He was highly exasperated against them, and was then busy in collecting and organising an army for the purpose of reducing their country. He did not, at first, however, give a direct refusal, but observed that the request touching the king, the realm, and nobles of Scotland, was so new and foreign to the other articles of truce, that it would require his most serious deliberation before he could reply.[3] Immediately after this, he marched, as we have seen, at the head of an overwhelming army into Scotland; and, after the battle of Falkirk, found leisure to send his answer to Philip, refusing peremptorily to deliver up Baliol, or to include the Scottish nobles in the truce, on the ground, that at the time when the articles of truce were drawn up, Philip did not consider the Scots as his allies, nor was there any mention of Baliol or his subjects at that time.[4] "If," said Edward, "any alliance ever existed between Baliol and the French king, it had been deliberately and freely renounced." To this Philip replied, "That as far as the King of Scots, and the other Scottish nobles who were Edward's prisoners, were concerned, the renunciation of the French alliance had been made through the influence of force and fear, on which account it ought to be considered of no avail; that it was they alone whom he considered as included in the truce; and if any Scottish nobles had afterwards, of their own free will, submitted to Edward, and sworn homage to him, as had been done by Patrick, earl of Dunbar, Gilbert, earl of Augus, and their sons, the King of France would not interfere in that matter."[5]

Edward, however, who, at the time he made this reply, had defeated Wallace at Falkirk, and dispersed the only army which stood between him and his ambition, continued firm, notwithstanding the earnest remonstrances of Philip. The mediation of the Pope was next employed; and at the earnest request of Boniface, the king consented to deliver Baliol from his imprisonment, and to place him in the hands of the Papal legate, the Bishop of Vicenza. "I will send him to the Pope," said Edward, "as a false seducer of the people, and a perjured man."[6] Accordingly, Sir Robert Burghersh, the Constable of Dover, conveyed the dethroned king, with his goods and private property, to Whitsand, near Calais. Before embarking, his trunks were searched, and a crown of gold, the Great Seal of Scotland, many vessels of gold and silver, with a considerable sum of money, were found in them. The crown was seized by Edward, and hung up in the shrine of St Thomas the Martyr; the Great Seal was also retained, but the money was permitted to remain in his coffers. On meeting the legate at Whitsand, Burghersh formally delivered to this prelate the person of the ex-king, to be at the sole disposal of his Holiness; but a material condition was added, in the proviso "that the Pope should not

[1] Trivet, p. 311. Rymer, Fœdera, new edit. part ii. 861.

[2] Walsingham, p. 75. Trivet, p. 311.

[3] Rymer, Fœdera, new edit. part ii. April 1298.

[4] Ibid. p. 898.

[5] The important public instrument from which these facts regarding the negotiations between Edward and Philip are taken has been printed, for the first time, in the new edition of Rymer's Fœdera, vol. i. part ii. p. 898. See also Du Chesne, Hist. p. 600.

[6] Walsingham, pp. 76, 77. Prynne's Edward I., pp. 797, 798. Trivet, p. 315.

ordain or direct anything in the kingdom of Scotland concerning the people or inhabitants, or anything appertaining to the same kingdom, in behalf of John Baliol or his heirs." Edward's obsequiousness to the Roman See even went further, for he conferred on the Pope the power of disposing of Baliol's English estates. These estates were many and extensive. They were situated in nine different counties, and gave a commanding feudal influence to their possessor. But the king had not the slightest intention of paying anything more than an empty compliment to Boniface; for he retained the whole of Baliol's lands and manors in his own hand, and, some years afterwards, bestowed them upon his nephew, John of Bretagne.[1]

The dethroned King of Scotland was conveyed by the messengers of the Pope to his lands and castle of Bailleul, in France, where he passed the remaining years of his life in quiet obscurity.[2]

The restless activity of Edward's mind, and the unshaken determination with which he pursued the objects of his ambition, are strikingly marked by his conduct at this time. He was embroiled in serious disputes with his barons; some of the most valuable prerogatives of his crown were being wrested from his hands; he was deeply engaged with his negotiations with France; he was on the eve of his marriage: but nothing could divert him from the meditated war. He held a council of his nobility at Westminster, concerning the Scottish expedition. At midsummer he took a journey to St Albans, for the purpose of imploring the assistance of that saint.[3] In September he was married at Canterbury, to the sister of the King of France; and on the seventh day after his marriage he directed his letters to Edmund, earl of Cornwall, to meet him with horse and arms at York, on the 10th of November.[4] He commanded public prayers to be made for the success of his arms in all the churches of the kingdom, and enjoined the Friars Predicant to employ themselves in the same pious office.

Aware of these great preparations, the Scottish Regents, whose army was encamped in the Torwood, near Stirling, directed a letter to Edward, acquainting him that information of the late truce had been sent them by Philip, king of France; and that they were willing to desist from all aggression, during the period which was stipulated, provided the King of England would follow their example.[5] Edward did not deign to reply to this communication; but having assembled his parliament at York, in the beginning of November, he communicated to them his intentions as to the continuance of the war; and in the face of the approaching severity of the winter, marched with his army to Berwick-on-Tweed, where he had appointed a body of fifteen thousand foot soldiers, with a large reinforcement from the diocese of York,[6] and the whole military strength of his greater barons, to meet him. So intent was he on assembling the bravest knights and most hardy soldiers to accompany him, that he forbade, by public proclamation, all tournaments and plays of arms, so long as war lasted between him and his enemies; and interdicted every knight, esquire, or soldier, from attending such exhibitions, or going in search of adventures, without his special permission.[7] The object of the king was to march immediately into Scotland, to raise the

1 Rhymer, Fœdera, vol. ii. p. 1029. The grant to John of Bretagne was made on Nov. 10, 1306.

2 Walsingham, p. 77. See Notes and Illustrations, letter M.

3 Chronicon Sti. Albani, quoted in Tyrrel, vol. iii. p. 134.

4 Rymer, Fœd. vol. i. part ii. p. 913, new edition. Palgrave's Parliamentary Writs, p. 42, Chron. Abstract.

5 Rymer, vol. i. p. 915, new edition. The date of the letter is, Foresta dell' Torre, 13th Nov. 1299.

6 Rymer, Fœd. vol. i. pp. 915, 916, new edition.

7 Rymer, ibid. p. 916, new edition. This is one of the instruments added by the editors to the new edition of this great work. Its terms are, "Ne quis miles, armiger, vel alius quicunque, sub forisfactura vitæ et membrorum, et omnium que tenet in dicto regno, torneare, bordeare, seu justas facere, aventuras quærere, aut alias ad arma ire presumat, quoquo modo sine nostra licencia speciali."

siege of Stirling, then invested by the regents, and to reduce that great division of Scotland beyond the Firth of Forth, which, along with the powerful district of Galloway, still remained independent. But after all his great preparations, his hopes were cruelly disappointed. His barons, with their military vassals, refused to go further than Berwick. They alleged that the early severity of the winter, the impassable and marshy ground through which they would be compelled to march, with the scarcity of forage and provisions, rendered any military expedition against Scotland impracticable and desperate.[1] The nobles, besides this, had other and deeper causes of discontent. The Great Charter, and the perambulation of the forests, had not been duly observed, according to promise; and without waiting remonstrance, they withdrew to their estates. Edward, in extreme anger, marched forward, with a small force, and seemed determined to risk a battle; but being informed of the strong position of the Scottish army, and of the resolute spirit with which they awaited his advance, the king submitted to the necessity of the case, and retreated to England.[2] Meanwhile the English, who were beleaguered in Stirling, after making a brave and obstinate defence, had begun to suffer the extremities of famine; upon which the king, finding it impossible to raise the siege, commanded them to capitulate;[3] and the castle was delivered to Sir John de Soulis, one of the regents. The Scots garrisoned it, and committed it to the keeping of Sir William Olifant.

In the course of the following year, Edward, indefatigable in the prosecution of his great object, again invaded Scotland, and found that the enemy, profiting by experience, had adopted that protracted warfare, which was their best security—avoiding a battle, and cutting off his supplies.[4] Encamping in Annandale, he besieged and took Lochmaben, and afterwards sat down before the castle of Caerlaverock, strongly situated on the coast of the Solway Firth. After some resistance, this castle was likewise taken and garrisoned,[5] and the king marched into Galloway, where he had an interview with the bishop of that diocese, who, having in vain attempted to mediate a peace, the Earl of Buchan and John Comyn of Badenoch repaired personally to Edward, and had a violent interview with the king. They demanded that Baliol, their lawful king, should be permitted peaceably to reign over them; and that their estates, which had been unjustly bestowed upon his English nobles, should be restored to their lords. Edward treated these propositions, which he considered as coming from rebels, with an unceremonious refusal; and after declaring that they would defend themselves to the uttermost, the king and the Scottish barons parted in wrath.

After this the king marched to Irvine, a seaport town situated on a river of the same name, and remained there encamped for eight days, until provisions were brought up from the ships which lay on the coast. During this time the Scottish army shewed itself on the opposite side of the river; but on being successively attacked by the Earl of Surrey, the Prince of Wales, and the king himself, they rapidly retreated to their morasses and mountains. Through this rough and difficult ground the heavy-armed English soldiers could not penetrate; and the Welsh, whose familiarity with rocky passes rendered them well fitted for a warfare of this kind, obstinately refused to act. Thus baffled in his attempts at pursuit, Edward stationed

[1] Hemingford, vol. i. p. 170. Trivet, p. 316.
[2] Langtoft's Chronicle, p. 308.
[3] Math. Westminst. p. 445. He mistakes the date of the surrender, which was 1299, not 1303.
[4] Rymer, Fœdera, vol. i. part ii. new edit. p. 920. Walsingham, p. 78, and Chron. I de Eversden apud Tyrrel, vol. iii. p. 139.
[5] See a curious and interesting historical poem, in vol. iv. of Antiquarian Repertory, p. 469, published from a MS. in the British Museum: since published with valuable historical and heraldic additions, by Sir Harris Nicolas. The garrison was only sixty strong, yet for some time defied the whole English army.

his head-quarters at Dumfries, and employed himself in taking possession of the different towns and castles of Galloway, and in receiving the submission of the inhabitants of that district.[1] Here he remained till the end of October; and having spent five months on an expedition which led to no important success, he was at last compelled, by the approach of winter, to delay till another season all his hopes of the entire subjugation of Scotland. Affecting, therefore, now when it suited his convenience, to be moved by the representations of the plenipotentiaries sent from the King of France, he granted a truce to the Scots, and artfully gave to a measure of necessity the appearance of an act of mercy. Edward, however, cautiously added, that he acceded to the wishes of Philip, out of favour to him, as his friend and relative, not as the ally of Scotland; nor would he give his consent to the cessation of arms, until the ambassadors of France agreed to consider it in this light: so careful was he lest any too hasty concession should interrupt his meditated vengeance, when a less refractory army and a milder season should allow him to proceed against his enemies.[2]

The king was induced, by another important event, to grant this truce to the Scots. This was no less than an extraordinary interposition upon the part of the Pope, commanding him, as he reverenced his sacred authority, to desist from all hostilities; and asserting that the kingdom of Scotland now belonged to the Holy See, and from the most remote antiquity had done so. The arguments by which the Roman Church supported this singular claim were, no doubt, suggested by certain Scottish commissioners whom Soulis, the regent, in a former part of this year, had sent on a mission to Rome, to complain of the grievous injuries inflicted by Edward upon Scotland, and to request the Pope's interposition in behalf of their afflicted country.[3]

Boniface, accordingly, influenced, as is asserted, by Scottish gold,[4] directed an admonitory bull to Edward, and commanded Winchelsea, archbishop of Canterbury, to deliver it to the king, who was then with his army in the wilds of Galloway. This prelate, with much personal risk, owing to the unlicensed state of the country, and the danger of being seized by the bands of Scottish robbers, who roamed about, thirsting, as he tells us, for the blood of the English, travelled with his suite of clerks and learned dignitaries as far as Kirkcudbright; and having passed the dangerous sands of the Solway with his chariots and horses, found the king encamped near the castle of Caerlaverock, and delivered to him the Papal bull.[5] Its arguments, as far as concerned the right of the King of England to the feudal superiority of Scotland, were sufficiently sound and judicious; but, as was to be expected, the grounds on which he could rest his own claim far less satisfactory. "Your royal highness," he observed, "may have heard, and we doubt not but the truth is locked in the book of your memory, that of old the kingdom of Scotland did and doth still belong in full right to the Church of Rome, and that neither your ancestors, kings of England, nor yourself, enjoyed over it any feudal superiority. Your father Henry, king of England, of glorious memory, when, in the wars between him and Simon de Montfort, he requested the assistance of Alexander III., king of Scotland, did, by his letters-patent, acknowledge that he received such assistance, not as due to him, but as a special favour. When you yourself requested the presence of the same King Alexander at the solemnity of your coronation, you, in like manner, by your letters-patent, entreated it as a matter of favour and

[1] Rymer, vol. i. new edition, p. 921. Walsingham, p. 78, makes Irvine, Swinam.

[2] Fordun a Hearne, p. 983. Winton, vol. ii. p. 104. Rymer, vol. i. p. 921.

[3] Fordun a Hearne, p. 983. Winton, vol. ii. p. 105.

[4] Walsingham, quoted in Tyrrel, vol. iii. p. 140.

[5] Prynne, Hist. Ed. I., p. 882. where there is a curious letter from the archbishop, giving an account of his journey.

not of right. Moreover, when the King of Scotland did homage to you for his lands in Tynedale and Penrith, he publicly protested that his homage was paid, not for his kingdom of Scotland, but for his lands in England; that as King of Scotland he was independent, and owed no fealty; which homage, so restricted, you did accordingly receive. Again, when Alexander III. died, leaving as heiress to the crown a grand-daughter in her minority, the wardship of this infant was not conferred upon you, which it would have been had you been lord superior, but was given to certain nobles of the kingdom chosen for that office." The bull proceeded to notice the projected marriage between the Prince of Wales and the Maiden of Norway; the acknowledgment of the freedom and independence of Scotland contained in the preliminary negotiations; the confusions which followed the death of the young queen; the fatal choice of Edward as arbiter in the contest for the crown; the express declaration of the King of England to the Scottish nobility, who repaired to his court during the controversy, that he received this attendance as a matter of favour, not as having any right to command it; and, lastly, it asserted that if, after all this, any innovations had been made upon the ancient rights and liberties of Scotland, with consent of a divided nobility, who wanted their kingly head; or of that person to whom Edward had committed the charge of the kingdom, these ought not in justice to subsist, as having been violently extorted by force and fear.

After such arguments, the Pope went on to exhort the king, in the name of God, to discharge out of prison and restore to their former liberty all bishops, clerks, and other ecclesiastical persons whom he had incarcerated, and to remove all officers whom by force and fear he had appointed to govern the nation under him; and he concluded by directing him, if he still pretended any right to the kingdom of Scotland, or to any part thereof, not to omit the sending commissioners to him fully instructed, and that within six months after the receipt of these letters, he being ever ready to do him justice as his beloved son, and inviolably to preserve his right.[1]

In presenting this dignified and imperious mandate, the archbishop, in presence of the English nobles and the Prince of Wales, added his own admonitions on the duty of a reverent obedience to so sacred an authority, observing that Jerusalem would not fail to protect her citizens, and to cherish, like Mount Sion, those who trusted in the Lord. Edward, on hearing this, broke into a paroxysm of wrath, and swearing a great oath, cried out—"I will not be silent or at rest, either for Mount Sion or for Jerusalem; but, as long as there is breath in my nostrils, will defend what all the world knows to be my right."[2] But the Papal interference was in those days, even to so powerful a monarch as Edward, no matter of slight importance; and, returning to his calmer mind, he requested the archbishop to retire until he had consulted with his nobility. On Winchelsea's re-admission, the king, in a milder and more dignified mood, thus addressed him:—"My Lord Archbishop, you have delivered me, on the part of my superior and reverend father, the Pope, a certain admonition touching the state and realm of Scotland. Since, however, it is the custom of England that, in such matters as relate to the state of that kingdom, advice should be had with all whom they may concern, and since the present business not only affects the state of Scotland, but the rights of England; and since many prelates, earls, barons, and great men, are now absent from my army, without whose advice I am unwilling, finally, to reply to my Holy Father, it is my pur-

[1] Rymer, Fœdera, new edition, vol. i. part ii. p. 907. Knighton, p. 2529. The date of this monitory bull is 5th July 1299. The letter of the archbishop, describing his journey to Edward, then at or near Caerlaverock, and his delivery of the bull, is dated at Otteford, 8th October 1300. Prynne, Edward I., p. 883.

[2] Walsingham, p. 78.

pose, as soon as possible, to hold a council with my nobility, and by their joint advice and determination, to transmit an answer to his Holiness by messengers of my own."[1]

It was particularly dangerous for Edward to quarrel with the Pope at this moment; for the peace with France was unconcluded, and Gascony still remained in the hands of the Holy See, which had not yet decided to whom it should rightly belong. The King of England, therefore, assumed the appearance of solemn deliberation in the preparation of his answer. He disbanded his army; he summoned a parliament to meet at Lincoln; he wrote to the chancellors of both universities, commanding them to send to this parliament some of their most learned and expert civilians, to declare their opinion as to the right of the King of England to be Lord Paramount of Scotland; and he gave directions to the abbots, priors, and deans of the religious houses in England that they should diligently examine the ancient chronicles and archives of their monastery, and collect and transmit to him by some one of their number, not only all matters illustrative of the rights competent to the King of England in the realm of Scotland, but everything which in any way related to that kingdom.[2]

On the meeting of the parliament at Lincoln, the king, after having conciliated the good-will of his nobility, by the confirmation of the great charters of liberties, and of the forests, the last of which he had evaded till now, ordered the Pope's bull to be read to the earls and barons assembled in parliament; and, after great debates amongst the lawyers who were present, the nobility of England directed a spirited letter to the Pope, with a hundred and four seals appended to it.[3] In this epistle, after complimenting the Holy Roman Church upon the judgment and caution with which she respected and inviolably preserved the rights of every individual, they remarked, that a letter from the Holy See had been shewn to them by their lord, King Edward, relating to certain matters touching the state and realm of Scotland, which contained divers wonderful and hitherto unheard-of propositions. It was notorious, they observed, in these parts of the world, that from the very first original of the kingdom of England, the kings thereof, as well in the times of the Britons as of the Saxons, enjoyed the superiority and direct dominion of the kingdom of Scotland, and continued either in actual or in virtual possession of the same through successive ages. They declared that in temporals, the kingdom of Scotland did never, by any colour of right, belong to the Church of Rome; that it was an ancient fief of the crown and kings of England; and that the kings of Scotland, with their kingdom, had been subject only to the kings of England, and to no other. That with regard to their rights, or other temporalities in that kingdom, the kings of England have never answered, nor ought they to answer, before any ecclesiastical or secular judge, and this on account of the freedom and pre-eminence of their royal dignity, and the custom to this effect observed through all ages. Wherefore, they concluded—"having diligently considered the letters of his Holiness, it is now, and for the future shall be, the unanimous and unshaken resolution of all and every one of us that our lord the king, concerning his rights in Scotland, or other temporal rights, must in nowise answer judicially before the Pope, or submit them to his judgment, or draw them into question by such submission; and that he must not send proxies or commissioners to his Holiness, more especially when it would manifestly tend to the disinheritance of the crown and royal dignity of England, to the notorious subversion of the state of the kingdom, and to the prejudice of our liberties, customs, and laws, delivered to them by their fathers; which, by their oaths, they were bound to observe and defend, and which, by the help of God, they would maintain with their

[1] Prynne, Edward I., p. 883.
[2] Rymer, Fœdera, new edit. vol. i. p. 923.
[3] Tyrrel, vol. iii. p. 146.

whole force and power." And they added, "that they would not permit the king to do, or even to attempt, such strange and unheard-of things, even if he were willing so far to forget his royal rights. Wherefore they reverently and humbly entreated his Holiness to permit the king to possess his rights in peace, without diminution or disturbance.[1]

Having in this bold and spirited manner refused to submit his pretended rights in Scotland to the jurisdiction of the See of Rome, the monarch, about two months after the meeting of his parliament at Lincoln, directed a private letter to the Pope,[2] which he expressly declared was not a memorial to a judge, but altogether of a different description, and solely intended to quiet and satisfy the conscience of his Holy Father, and in which, at great length, and by arguments too trifling to require confutation, he explained to him the grounds upon which he rested his claim of superiority, and the reasons for his violent invasion of Scotland.[3]

More intent than ever upon the reduction of this country, Edward once more summoned his barons to meet him in arms at Berwick on the day of St John the Baptist, and directed letters to the different seaports of England and Ireland, for the assembling of a fleet of seventy ships to rendezvous at the same place.[4] He determined to separate his force into two divisions, and to intrust the command of one to his son, the Prince of Wales. A pilgrimage to the shrine of St Thomas à Becket, and other holy places, was undertaken by the king previous to his putting himself at the head of his army; and this being concluded, he passed the Borders, and besieged and took the castle of Bonkill, in the Merse. The Scots contented themselves with laying waste the country; and aware of the hazard of risking a battle, they attacked the straggling parties of the English, and distressed their cavalry, by carrying off the forage.[5] The campaign, however, which had been great in its preparations, passed in unaccountable inactivity. An early winter set in with extreme severity, and many of the large war-horses of the English knights died from cold and hunger; but Edward, who knew that the Scots only waited for his absence to rise into rebellion, determined to pass the winter at Linlithgow. Here, accordingly, he established the head-quarters of his army, sent orders to England for supplies to be forwarded to his troops, employed his warlike leisure in building a castle, and kept his Christmas with his son and his nobles.[6]

The treaty of peace between Edward and Philip of France was still unconcluded; and as Philip continued a warm advocate for Baliol and the Scots, Edward, moved by his remonstrances, gave authority to his envoys at the French court to agree to a truce with Scotland.[7] The envoys, however, were sharply reproved by the king and his nobles for giving the title of king to Baliol, and permitting, as the basis of the negotiation, the alliance between France and his enemies.[8] Edward was well aware that if he admitted this, any conclusion of peace with Philip would preclude him from continuing the war which he had so much at heart; and on ratifying the

[1] Rymer, vol. ii. p. 875. "Nec etiam permittimus, aut aliquatenus permittemus, sicut nec possumus, nec debemus, præmissa tam insolita, prælibatum dominum nostrum Regem etiam si vellet facere."

[2] Tyrrel, vol. iii. p. 147. Rymer, vol. i. part ii. new edit. p. 932.

[3] Fordun a Hearne, p. 984.

[4] Ryley, p. 483. The summons is dated 12th March 1301. Rymer, Fœdera, vol. i. p. 928.

[5] Chron. Abing., quoted in Tyrrel, vol. iii. p. 148. Trivet, pp. 331, 332. Hemingford, vol. i. p. 196. Langtoft, vol. ii. pp. 315, 316.

[6] Fordun a Hearne, p. 984. Palgrave's Parl. Writs, Chron. Abstract, vol. i. p. 54.

[7] Rymer, Fœdera, new edit. vol. i. pp. 936, 937. Langtoft, p. 316.

[8] In Prynne, Edward I., p. 876, we find that Edward protested against this truce at Devizes, 30th April 1302. How are we to reconcile this protestation with the power granted to the English envoys, by an instrument signed at Dunipace, 14th Oct. 1301, Rymer, p. 936? and with the express ratification of the truce in Rymer, Fœd. vol. i. new edit. p. 938, signed at Linlithgow, 26th Jan. 1302? The truce was to continue till St Andrew's day, the 30th Nov. 1302.

truce, he subjoined his protestation, that although he agreed to a cessation he did not recognise John Baliol as the King of Scotland, nor the Scots as the allies of the King of France. Having brought these matters to a close at Linlithgow, the king proceeded to Roxburgh, and from this, by Morpeth and Durham, returned to London.[1]

The perseverance and courage of the Scots were ill supported by their allies. Boniface soon deserted them, and with extreme inconsistence, forgetting his former declarations, addressed a letter of admonition to Wishart, the bishop of Glasgow, commanding him to desist from all opposition to Edward. Wishart had been delivered from an English prison some time before, and, on taking the oath of fealty, had been received into favour; but unable to quench his love of liberty, or perhaps of intrigue, he had recommenced his opposition to the English; and the Pope now addressed him as the "prime mover and instigator of all the tumult and dissension which has arisen between his dearest son in Christ, Edward, King of England, and the Scots."[2] At the same time his Holiness addressed a bull to the body of the Scottish bishops, commanding them to be at peace with Edward, and threatening them, in case of disobedience, with a severer remedy.[3]

Deserted by Boniface, the Scots still looked to Philip for support; and aware that the negotiations for peace between France and England were in the course of being concluded, they sent the Earl of Buchan, James, the Steward of Scotland, John Soulis, one of the regents,[4] and Ingelram de Umfraville, to watch over their interests at the French court. But Philip, having been defeated in Flanders, became anxious at all risks to conclude a peace with England, and to concentrate his efforts for the reduction of the revolted Flemings.[5] Edward, who had hitherto supported the Flemings, entertained the same wish to direct his undivided strength against the Scots, and a mutual sacrifice of allies was the consequence. The English king paved the way for this, by omitting the Earl of Flanders in the enumeration of his allies, in the former truce ratified at Linlithgow; and Philip in return, not only left out the Scots in the new truce concluded at Amiens, but entirely excluded them in the subsequent and final treaty of peace not long afterwards signed at Paris.[6] Previous, however, to the conclusion of this treaty, so fatal to the Scots, the army of Edward experienced a signal defeat near Edinburgh.

John de Segrave had been appointed Governor of Scotland; and Edward, much incensed at the continued resistance of the Scots, who, on the expiration of the truce, had recommenced the war with great vigour, directed letters to Ralph Fitz-William, and twenty-six of his principal barons. By these he informed them that he had received intelligence from Segrave of the success of his enemies, who, after ravaging the country, and burning and seizing his towns and castles, threatened, unless put down with a strong hand, to invade and lay waste England. "For which reason," adds the king, "we request, by the fealty and love which bind you to us, that you will instantly repair to John de Segrave, with your whole assembled power of horse and foot." He then informs them of his resolution to be with his army in Scotland sooner than he at first intended; and that, in the meantime, he had despatched thither Ralph de Manton, his clerk of the wardrobe, who would pay them their allowances, and act as his treasurer as long as they continued on the expedition.[7]

Segrave marched from Berwick towards Edinburgh, about the beginning of Lent, with an army of twenty thousand men,[8] chiefly consisting of cavalry,

[1] Rymer, Fœdera, new edit. vol. i. p. 936. Tyrrel, vol. iii. p. 149.
[2] Rymer, vol. i. new edit. p. 942.
[3] Ibid.
[4] Maitland, vol. i. p. 461. Rymer, vol. i new edit. p. 955.
[5] Tyrrel, vol. iii. 152.
[6] Rymer, Fœd. new edit. vol. i. p. 946-952.
[7] Rymer, Fœd. vol. i. new edit. part ii. p. 947. This document is published for the first time in the new edition of Rymer.
[8] Winton, vol. ii. p. 111.

commanded by some of Edward's best leaders. Amongst these were Segrave's brothers,[1] and Robert de Neville, a noble baron, who had been engaged with Edward in his Welsh wars.[2] In approaching Roslin, Segrave had separated his army into three divisions; and not meeting with an enemy, each division encamped on its own ground, without having established any communication with the others. The first division was led by Segrave himself; the second probably by Ralph de Manton, called, from his office, Ralph the Cofferer; the third by Neville. Early in the morning of the 24th February, Segrave and his soldiers were slumbering in their tents, in careless security, when a boy rushed in, and called out that the enemy were upon them. The news proved true. Sir John Comyn, the governor, and Sir Simon Fraser, hearing of the advance of the English, had collected a force of eight thousand horse, and marching in the night from Biggar to Roslin, surprised the enemy in their encampment. Segrave's division was entirely routed; he himself, after a severe wound, was made prisoner, along with sixteen knights, and thirty esquires; his brother and son were seized in bed, and the Scots had begun to collect the booty, and calculate on the ransom, when the second division of the English army appeared. A cruel but necessary order was given to slay the prisoners; and this having been done, the Scots immediately attacked the enemy, who, after an obstinate defence, were put to flight with much slaughter. The capture of Ralph the Cofferer, a rich booty, and many prisoners, were the fruits of this second attack, which had scarcely concluded when the third division, led by Sir Robert Neville, was seen in the distance. Worn out by their night-march, and fatigued by two successive attacks, the little army of the Scots thought of an immediate retreat. But this, probably, the proximity of Neville's division rendered impossible, and after again resorting to the same horrid policy of putting to death their prisoners, an obstinate conflict began, which terminated in the death of Neville, and the total defeat of his division.[3] There occurred in this battle a striking but cruel trait of national animosity. Ralph the Cofferer had been taken prisoner by Sir Simon Fraser; and this paymaster of Edward, though a priest, like many of the ecclesiastics and bishops of those fierce times, preferred the coat of mail to the surplice. On the order being given to slay the prisoners, Sir Ralph begged his life might be spared, and promised a large ransom. "This laced hauberk is no priestly habit," observed Fraser; "where is thine albe, or thy hood? Often have you robbed us of our lawful wages, and done us grievous harm. It is now our turn to sum up the account, and exact its payment." Saying this, he first struck off the hands of the unhappy priest, and then severed his head with one blow from his body.[4]

The remains of the English army fled to Edward, in England; and the Scots, after resting from their fatigues, collected and divided their booty, and returned home.[5]

This persevering bravery of the Scots in defence of their country was unfortunately united to a credulity which made them the dupes of the policy of Philip. Although not included in the treaty of Amiens, the French monarch had the address to persuade the Scottish deputies then at Paris, that having concluded his own affairs with Edward he would devote his whole efforts to mediate a peace between them and England; and he entreated them, in the meantime, to remain with him at the French court, until they could carry back to Scotland intelligence of his having completed the negotiation with Edward on behalf of themselves and their countrymen. The object of Philip, in all this, was to prevent the

[1] Hemingford, p. 197. "Cum Johanne de Segrave et fratribus suis, erant enim milites strenuissimi."

[2] Rymer, vol. i. new edit. p. 908. Trivet, p. 393.

[3] See Notes and Illustrations, letter N.

[4] Langtoft, vol. ii. p. 319.

[5] Winton, vol. ii. p. 117.

return of the deputies, amongst whom were some of the most warlike and influential of the Scottish nobles, previous to the expedition which Edward was about to lead against their country. Unsuspicious of any false dealing, they consented to remain; and in the meantime addressed a letter to the governor and nobility of Scotland, in which they exhorted them to be of good courage, and to persevere in vindicating the liberties of their country. "You would greatly rejoice," they say in this letter, "if you were aware what a weight of honour this last conflict with the English has conferred upon you throughout the world.———Wherefore, we beseech you earnestly that you continue to be of good courage. And if the King of England consent to a truce, as we firmly expect he will, do you likewise agree to the same, according to the form which the ambassadors of the King of France shall propose by one of our number, who will be sent to you. But if the King of England, like Pharaoh, shall grow hardened, and continue the war, we beseech you, by the mercy of Christ, that you quit yourselves like men, so that, by the assistance of God, and your own courage, you may gain the victory."[1]

To gain the victory, however, over the determined perseverance and overwhelming military strength of the English king, was no easy task. The distress of Scotland, from its exposure to the continued ravages of war, had reached a pitch which the people of the land could endure no longer. They became heart-broken for a time, under a load of misery and suffering from which they could see no relief but in absolute submission; the governor Comyn, the late guardian Wallace, and the few patriotic nobles who were still in the field, found it impossible to keep an army together; and all men felt assured that the entire subjugation of the country was an event which no human power could possibly prevent or delay. If Edward, at this crisis, again resumed the war, it was evident that nothing could oppose him. We may judge, then, of the desolating feelings of this unhappy country when word was brought that the King of England had once more collected the whole armed force of his dominions, and, leading his army in person, had passed the Border. The recent defeat at Roslin had chafed and inflamed his passions to the utmost; and he declared that it was his determined purpose either to reduce the nation to entire subjection, or to raze the land utterly with fire and sword, and turn it to a desert, fit only for the beasts of the field. In recording the history of this last miserable campaign, the historian has to tell a tale of sullen submission, and pitiless ravage; he has little to do but to follow in dejection the chariot wheels of the conqueror, and to hear them crushing under their iron weight all that was free, and brave, in a devoted country.

Edward separated his army into two divisions. He gave the command of one to his eldest son, the Prince of Wales, who directed his march westward into Scotland,[2] whilst the king himself, at the head of the second division, proceeded eastward by Morpeth and Roxburgh, and reached the capital without challenge or interruption in the beginning of June 1303. The whole course of the king, as well as that of the prince, was marked by smoke and devastation, by the plunder of towns and villages, the robbery of granges and garners, the flames of woods, and the destruction of the small tracts of cultivated lands which yet remained. Wherever he turned his arms, the inhabitants submitted to a power which it was impossible for them to resist; and the governor Comyn, Sir Simon Fraser, and the late guardian William Wallace, were driven into the wilds and fastnesses, where they still continued the war by irregular predatory expeditions against the convoys of the English.

From Edinburgh Edward continued his victorious progress by Linlithgow and Clackmannan to Perth, and afterwards by Dundee and Brechin pro-

[1] Rymer, Fœd. vol. i. new edit. p. 955, June 8, 1303.

[2] Hemingford, 205. Langtoft, 321.

ceeded to Aberdeen. From this city, pursuing his march northward, he reached Banff, and from thence he pushed on to Kinloss in Moray. Leaving this, he struck into the heart of Moray, and for some time established his quarters at Lochendorb, a castle strongly situated upon an island in a lake.[1] Here he received the oaths and homage of the northern parts of the kingdom,[2] and it is probable added to the fortifications of the castle. It is curious to find that, after a lapse of near five hundred years, the memory of this great king is still preserved in the tradition of the neighbourhood; and that the peasant, when he points out to the traveller the still massy and noble remains of Lochendorb, mentions the name of Edward I. as connected in some mysterious way with their history.

From this remote strength, the king, penetrating into Aberdeenshire, reached the strong castle of Kildrummie, in Garvyach,[3] from whence he retraced his route back to Dundee. Thence, probably by Perth, he marched to Stirling and Cambuskenneth, visited Kinross, and finally proceeded to take up his winter quarters at Dunfermline early in the month of December, where he was joined by his queen.[4] In this progress, the castle of Brechin shut its gates against him. It was commanded by Sir Thomas Maule, a Scottish knight of great intrepidity; and such was the impregnable nature of the walls that the battering engines of the king could not, for many days, make the least impression. So confident was Maule of this, that he stood on the ramparts, and, in derision of the English soldiers below, wiped off with a towel the dust and rubbish raised by the stones thrown from the English engines.[5] At last this brave man was struck down by one of the missiles he affected to despise, and the wound proved mortal. When he lay dying on the ground, some of his soldiers asked him if now they might surrender the castle. Though life was ebbing, the spirit of the soldier indignantly revived at this proposal, and pronouncing maledictions on their cowardice, he expired.[6] The castle immediately opened its gates to the English, after having stood a siege of twenty days.

The English king was chiefly employed at Dunfermline in receiving the submission of those Scottish barons and great men who had not made their peace during his late progress through the kingdom. But he engaged in other occupations little calculated to conciliate the Scots; for when at this place, his soldiers, by orders of their master, with savage barbarity destroyed a Benedictine monastery, of such noble dimensions that, an English historian informs us, three kings with their united retinues might have lodged within its walls. On account of its ample size, the Scottish nobles had often held their parliaments within its great hall—a sufficient crime, it would appear, in the eyes of the king. The church of the monastery, with a few cells for the monks, were spared; the rest was razed to the ground.

Meanwhile Comyn, the governor, along with Sir Simon Fraser, and a few barons, still kept up a show of resistance; and Wallace, who, since his abdication of the supreme power, had continued his determined opposition to Edward, lurked with a small band in the woods and mountains. The castle of Stirling, also, still held out; and as it was certain that the king would besiege it, Comyn, with the faint hope of defending the passage of the Forth, collected as many soldiers as he could muster, and encamped on the ground where Wallace had gained his victory over Cressingham and Surrey. But the days of victory were past. The king, the moment he heard

[1] See Notes and Illustrations, letter O.

[2] Fordun a Hearne, p. 989.

[3] He was at Kildrummie on the 8th of October 1303, and at Dundee on the 20th of the same month. Prynne, 1015, 1017.—See Notes and Illustrations, letter P.

[4] Langtoft, p. 322.

[5] "Stetit ille Thomas cum manutergio et extrusit Cæsuram de Muro in subsannationem et derisum totius exercitus Anglicani." M. West. p. 446.

[6] Liber Garderobæ Edw. I., fol. 15. Math. West. p. 446.

of this, forded the river in person, at the head of his cavalry, and routed and dispersed the last remnant of an army on which the hopes of Scotland depended. He had intended to pass the river by the bridge, but on coming forward he found it had been broken down and burnt by the Scots. Had the leaders profited by the lesson taught them by Wallace, they would have kept up the bridge, and attacked the English when defiling over it; but their rashness in destroying it compelled the king to find a ford, and enabled him to cross in safety.[1]

Soon after this expiring effort, the governor, with all his adherents, submitted to Edward. The Earls of Pembroke and Ulster, with Sir Henry Percy, met Comyn at Strathorde, in Fife,[2] on the 9th of February; and a negotiation took place, in which the late regent and his followers, after stipulating for the preservation of their lives, liberties, and lands, delivered themselves up, and agreed to the infliction of any pecuniary fine which the conqueror should think right. The castles and strengths of Scotland were to remain in the hands of Edward, and the government of the country to be modelled and administered at his pleasure. From this negotiation those were specially excepted, for whom, as more obstinate in their rebellion, the King of England reserved a more signal punishment. In this honourable roll we find Wishart, bishop of Glasgow, James, the Steward of Scotland, Sir John Soulis, the late associate of Comyn in the government of the kingdom, David de Graham, Alexander de Lindesay, Simon Fraser, Thomas Bois, and William Wallace.[3] To all these persons, except Wallace, certain terms, more or less rigorous, were held out, on accepting which Edward guaranteed to them their lives and their liberty; and we know that sooner or later they accepted the conditions. But of this great man a rigorous exclusion was made. "As for William Wallace," I quote the words of the deed, "it is covenanted that if he thinks proper to surrender himself, it must be unconditionally to the will and mercy of our lord the king." Such a surrender, it is well known, gave Edward the unquestionable right of ordering his victim to immediate execution.

An English parliament was soon after appointed to meet at St Andrews, to which the king summoned the Scottish barons who had again come under his allegiance. This summons was obeyed by all except Sir Simon Fraser and Wallace; and these two brave men, along with the garrison of Stirling, which still defied the efforts of the English, were declared outlaws by the vote, not only of the English barons, but with the extorted consent of their broken and dispirited countrymen.[4]

At length Fraser, despairing of being able again to rouse the spirit of the nation, consented to accept the hard conditions of fine and banishment offered him by the conqueror; and Wallace found himself standing alone against Edward, excepted from all amnesty, and inexorably marked for death.[5] Surrounded by his enemies, he came from the fastnesses where he had taken refuge to the forest of Dunfermline, and, by the mediation of his friends, proposed on certain conditions to surrender himself. These terms, however, partook more of the bold character of the mind which had never bowed to Edward, than of the spirit of a suppliant suing for pardon. When reported to Edward he broke out into ungovernable rage, cursed him by the fiend as a traitor, pronounced his malediction on all who sustained or supported him, and set a reward of three hundred marks upon his head. On hearing this, Wallace betook himself again to the wilds and mountains, and subsisted on plunder.[6]

[1] Notes and Illustrations, letter Q.

[2] Strathurd, or Strathord, on the Ord water in Fife, perhaps now Struthers.

[3] Prynne, Hist. Edward I., pp. 1120, 1121.

[4] Trivet, p. 338.

[5] See Notes and Illustrations, letter R.

[6] It is singular that this last circumstance should have escaped Lord Hailes and our

The castle of Stirling was now the only fortress which had not opened its gates to Edward. It had been intrusted by its governor, John de Soulis, who was still in France, to the care of Sir William Olifant, an experienced soldier, who, on seeing the great preparations made by Edward against his comparatively feeble garrison, sent a message to the king, informing him that it was impossible for him to surrender the castle without forfeiting his oaths and honour as a knight, pledged to his master, Sir John Soulis; but that if a cessation of hostilities were granted for a short time, he would instantly repair to France, inquire the will of his master, and return again to deliver up the castle, if permitted to do so.[1] This was a proposal perfectly in the spirit of the age, and Edward, who loved chivalry, would at another time probably have agreed to it; but he was now, to use the expressive words of Langtoft, "full grim," and roused to a pitch of excessive fury against the obstinate resistance of the Scots. "I will agree to no such terms," said he; "if he will not surrender the castle, let him keep it against us at his peril." And Olifant, accordingly, with the assistance of Sir William Dupplin, and other knights, who had shut themselves up therein, proceeded to fortify the walls, to direct his engines of defence, and to prepare the castle for the last extremities of a siege. Thirteen warlike engines were brought by the besiegers to bear upon the fortress.[2] The missiles which they threw consisted of leaden balls of great size, with huge stones and javelins, and the leaden roof of the refectory of St Andrews was torn away to supply materials for these deadly machines;[3] but for a long time the efforts of the assailants produced no breach in the walls, whilst the sallies of the besieged, and the dexterity with which their engines were directed and served, made great havoc in the English army During all this, Edward, although his advanced age might have afforded him an excuse for caution, exposed his person with an almost youthful rashness. Mounted on horseback, he rode beneath the walls to make his observations, and was more than once struck by the stones and javelins thrown from the engines on the ramparts. One day, when riding so near that he could distinguish the soldiers who worked the balistæ, a javelin struck him on the breast, and lodged itself in the steel plates of his armour. The king with his own hand plucked out the dart, which had not pierced the skin, and shaking it in the air, called out aloud that he would hang the villain who had hit him.[4] On another occasion, when riding within the range of the engines, a stone of great size and weight struck so near, and with such noise and force, that the king's horse backed and fell with his master; upon which some of the soldiers, seeing his danger, ran in and forced Edward down the hill towards the tents.[5]

other historians. It is expressly and minutely stated by Langtoft. Chronicle, vol. ii. p. 324.

"Turn we now other weyes, unto our owen geste,
And speke of the Waleys that lies in the foreste;
In the forest he lendes of Dounfermelyn,
He praied all his frendes, and other of his kyn,
After that Yole, thei wilde beseke Edward,
That he might yelde till him, in a forward
That were honorable to kepe wod or beste,
And with his scrite full stable, and seled at the least,
To him and all his to haf in heritage;
And none otherwise, als terme tyme and stage
Bot als a propre thing that were conquest till him.
Whan thei brouht that tething Edward was fulle grim,
And bilauht him the fende, als his traytoure in Lond,
And ever-ilkon his frende that him susteyn'd or fond.
Three hundreth marke he hette unto his warisoun,
That with him so mette, or bring his hede to toun.
Now flies William Waleis, of pres nouht he spedis,
In mores and mareis with robberie him fedis."

[1] Prynne, Edward I., p. 1051.

[2] "Threttene great engynes, of all the reame the best,
Brouht thei to Strivelyne, the kastelle down to kest." —Langtoft, p. 326.

[3] Fordun a Hearne, p. 990.

[4] Walsingham, p. 89.

[5] Math. Westminster, p. 449.

Whilst these engines within the castle did so much execution, those of Edward, being of small dimensions in comparison with the height of the walls, had little effect; and when fagots and branches were thrown into the fosse, to facilitate the assault, a sally from the castle succeeded in setting the whole in flames, and carried confusion and slaughter into the English lines.

The siege had now continued from the 22d of April to the 20th of May, without much impression having been made. But determination was a marked feature in the powerful character of the king. He wrote to the sheriffs of York, Lincoln, and London, commanding them to purchase and send instantly to him, at Stirling, all the balistæ, quarrells, bows and arrows, which they could collect within their counties; and he despatched a letter to the governor of the tower, requiring him to send down, with all haste, the balistæ and small quarrells which were under his charge in that fortress.[1] Anxious, also, for the assistance and presence of all his best soldiers, he published, at Stirling, an inhibition, proclaiming that no knight, esquire, or other person whatsoever, should frequent jousts or tournaments, or go in search of adventures and deeds of arms, without his special licence;[2] and aware that the Scottish garrison must soon be in want of provisions, he cut off all communication with the surrounding country, and gave orders for the employment of a new and dreadful instrument of destruction, the Greek fire, with which he had probably become acquainted in the East.[3] The mode in which this destructive combustible was used seems to have been by shooting from the balistæ large arrows, to whose heads were fastened balls of ignited cotton, which stuck in the roofs and walls of the buildings they struck, and set them on fire. In addition to this, he commanded his engineers to construct two immense machines, which, unlike those employed at first, overtopped the walls, and were capable of throwing stones and leaden balls of three hundred pounds weight. The first of these was a complicated machine, which, although much pains was bestowed on its construction, did no great execution; but the second, which the soldiers called the wolf, was more simple in its form, and, from its size and strength, most murderous in its effects.[4]

These great efforts succeeded: a large breach was made in the two inner walls of the castle; and the outer ditch having been filled up with heaps of stones and fagots thrown into it, Edward ordered a general assault. The brave little garrison, which for three months had successfully resisted the whole strength of the English army, were now dreadfully reduced by the siege. Their provisions were exhausted. Thirteen women, the wives and sisters of the knights and barons who defended the place, were shut up along with the soldiers, and their distress and misery became extreme. In these circumstances—their walls cast down, the engines carrying the troops wheeled up to the breach, and the scaling ladders fixed on the parapet—a deputation was sent to Edward, with an offer to capitulate, on security of life and limb. This proposal the king met with contempt and scorn; but he agreed to treat on the terms of an unconditional surrender, and appointed four of his barons, the Earls of Gloucester and Ulster, with Sir Eustace le Poor, and Sir John de Mowbray, to receive the last resolution of the besieged.

Sir John and Sir Eustace accordingly proceeded to the castle gate, and summoned the governor; upon which Sir William Olifant, his kinsman Sir William de Dupplin, and their squire Thomas Lillay, met the English knights, and proceeded with them to an interview with the two earls. At this meeting they consented, for themselves and their companions,

[1] Rymer, new edit. vol. i. p. 963.
[2] Ibid. p. 964.
[3] Wardrobe Book of Edward I., p. 52.
[4] Liber Garderobæ Edw. I. fol. 52. I owe these curious particulars to the research of Mr Macgregor Stirling.

to surrender unconditionally to the King of England; and they earnestly requested that he would permit them to make this surrender in his own presence, and himself witness their contrition.[1]

To this Edward agreed, and forthwith appointed Sir John Lovel to fill the place of governor. A melancholy pageant of feudal submission now succeeded. Sir William Olifant, and, along with him, twenty-five of the knights and gentlemen, his companions in the siege, presented themselves before the king, who received them in princely state, surrounded by his nobles and warriors. In order to save their lives, these brave men were compelled to appear in a garb and posture against which every generous feeling revolts. Their persons were stript to their shirts and drawers; their heads and feet were bare; they wore ropes around their necks; and thus, with clasped hands and bended knee, they implored the clemency of the king. Upon this, Edward, of his royal mercy, exempted them from the ignominy of being chained; but Olifant was sent to the Tower, and the rest were imprisoned in different castles throughout England.[2] The garrison was found to consist of no more than a hundred and forty soldiers; an incredibly small number, if we consider that for three months they had resisted the efforts of the army of England, led by the king in person.[3]

Having thus secured his conquest, by the reduction of the last castle which had resisted his authority, and having appointed English captains to the other strengths in Scotland, Edward left the temporary government of that country to John de Segrave; and, accompanied by the chief of the Scottish nobility, proceeded by Selkirk and Jedburgh to Yetholm, upon the Borders, and from thence to Lincoln, where he kept his Christmas with great solemnity and rejoicing.[4]

The only man in Scotland who had steadily refused submission was Wallace; and the king, with that inveterate enmity and unshaken perseverance which marked his conduct to his enemies, now used every possible means to hunt him down, and become master of his person. He had already set a large sum upon his head; he gave strict orders to his captains and governors in Scotland to be constantly on the alert; and he now carefully sought out those Scotsmen who were enemies to Wallace, and bribed them to discover and betray him.[5] For this purpose he commanded Sir John de Mowbray, a Scottish knight then at his court, and who seems at this time to have risen into great trust and favour with Edward, to carry with him into Scotland Ralph de Haliburton, one of the prisoners lately taken at Stirling. Haliburton was ordered to co-operate with the other Scotsmen who were then engaged in the attempt to seize Wallace, and Mowbray was to watch how this base person conducted himself.[6] What were the particular measures adopted by Haliburton, or with whom he cooperated, it is now impossible to determine; but it is certain that, soon after this, Wallace was betrayed and taken by Sir John Menteith, a Scottish baron of high rank. Perhaps we are to trace this infamous transaction to a family feud. At the battle of Falkirk, Wallace, who, on account of his overbearing conduct had never been popular with the Scottish nobility, opposed the pretensions of Sir John

[1] It is asserted, both by Fordun a Hearne, p. 991, and by Winton, vol. ii. p. 119, that the castle was delivered up to the English on a written agreement signed by Edward that the garrison should be quit and free of all harm; which agreement Edward perfidiously broke. The only thing mentioned in Rymer, new edit. p. 996, which gives some countenance to this accusation, is the fact that Olifant and Dupplin agreed to surrender *according to the terms which had been offered by the Earl of Lincoln*, and the record somewhat suspiciously conceals what these terms were. They may have amounted to a promise that the garrison should be quit of all harm.

[2] Rymer, new edit. p. 966. Math. West pp. 449, 450.

[3] Hemingford, vol. i. p. 206. See Notes and Illustrations, letter S.

[4] Math. West. p. 450. Hemingford, vol. i. p. 206.

[5] Fordun a Goodal, vol. ii. p. 223.

[6] Ryley, Placita, p. 279. Leland, Collect. vol. i. p. 541, shews that Wallace employed in his service a knight named Henry Haliburton.

Stewart of Bonkill, when this baron contended for the chief command. In that disastrous defeat, Sir John Stewart, with the flower of his followers, was surrounded and slain; and it is said that Sir John Menteith, his uncle, never forgave Wallace for making good his own retreat, without attempting a rescue.[1] By whatever motive he was actuated, Menteith succeeded in discovering his retreat, through the treacherous information of a servant who waited on him;[2] and having invaded the house by night, seized him in bed, and instantly delivered him to Edward.

His fate, as was to be expected, was soon decided; but the circumstances of refined cruelty and torment which attended his execution reflect an indelible stain upon the character of Edward; and, were they not stated by the English historians themselves, could scarcely be believed. Having been carried to London, he was brought with much pomp to Westminster Hall, and there arraigned of treason. A crown of laurel, in mockery placed, was on his head, because Wallace had been heard to boast that he deserved to wear a crown in that hall. Sir Peter Mallorie, the king's justice, then impeached him as a traitor to the King of England,[3] as having burnt the villages and abbeys, stormed the castles, and slain and tortured the liege subjects of his master the king. Wallace indignantly and truly repelled the charge of treason, as he never had sworn fealty to Edward; but to the other articles of accusation he pleaded no defence; they were notorious, and he was condemned to death. The sentence was executed on the 23d of August. Discrowned and chained, he was now dragged at the tails of horses through the streets, to the foot of a high gallows, placed at the elms in Smithfield.[4] After being hanged, but not to death, he was cut down yet breathing, his bowels taken out, and burnt before his face.[5] His head was then struck off, and his body divided into four quarters. The head was placed on a pole on London bridge, his right arm above the bridge at Newcastle, his left arm was sent to Berwick, his right foot and limb to Perth, and his left quarter to Aberdeen.[6] "These," says an old English historian, "were the trophies of their favourite hero, which the Scots had now to contemplate, instead of his banners and gonfanons, which they had once proudly followed." But he might have added, that they were trophies more glorious than the richest banner that had ever been borne before him; and if Wallace already had been, for his daring and romantic character, the idol of the people,—if they had long regarded him as the only man who had asserted, throughout every change of circumstances, the independence of his country,—now that the mutilated limbs of this martyr to liberty were brought amongst them, it may well be conceived how deep and inextinguishable were their feelings of pity and revenge. Tyranny is proverbially short-sighted: and Edward, assuredly, could have adopted no more certain way of canonising the memory of his enemy, and increasing the unforgiving animosity of his countrymen.

The course of events which soon followed this cruel sentence demonstrates the truth of these remarks. For fifteen years had Edward been employed in the reduction of Scotland,—Wallace was put to death,—the rest of the nobility had sworn fealty,—the fortresses of the land were in the hands of English governors, who acted under an English guardian,—a parliament was held at London, where the Scottish nation was represented by ten commissioners, and these persons, in concert with twenty English commissioners, orga-

[1] Fordun a Hearne, p. 981. Duncan Stewart, Hist. of Royal Family of Scotland, p. 149-209.

[2] Langtoft, Chron. p. 329.

[3] Stow, Chron. p. 209. Winton vol. ii. Notes, p. 502. Wallace was executed at Smithfield, on the site occupied now by Cow Lane.

[5] Math. Westminster, p. 451.

[6] MS. Chronicle of Lanercost, p. 203, Notes and Illustrations, letter T.

nised an entirely new system of government for Scotland. The English king, indeed, affected to disclaim all violent or capricious innovations; and it was pretended that the new regulations which were introduced were dictated by the advice of the Scottish nobles, and with a respect to the ancient laws of the land; but he took care that all that really marked an independent kingdom should be destroyed; and that, whilst the name of authority was given to the Scottish commissioners who were to sit in parliament, the reality of power belonged solely to himself. Scotland, therefore, might be said to be entirely reduced; and Edward flattered himself that he was now in quiet to enjoy that sovereignty which had been purchased by a war of fifteen years, and at an incredible expense of blood and treasure. But how idle are the dreams of ambition! In less than six months from the execution of Wallace,[1] this new system of government was entirely overthrown, and Scotland was once more free.

CHAPTER III.

ROBERT BRUCE.

1305—1314.

We now enter upon the history of this great and rapid revolution; and in doing so, it will first be necessary to say a few words upon the early character and conduct of the Earl of Carrick, afterwards Robert the First.

This eminent person was the grandson of that Robert Bruce, lord of Annandale, who was competitor for the crown with John Baliol. He was lineally descended from Isabella, second daughter of David, earl of Huntingdon, brother of William the Lion. John Baliol, the late King of Scotland, had, as we have already seen, renounced for ever all claim to the throne; and his son Edward was at that time a minor and a captive. Marjory Baliol, the sister of this unfortunate monarch, married John Comyn, lord of Badenoch. Their son, John Comyn, commonly called the Red Comyn, the opponent of Wallace, and, till the fatal year 1303, the regent of the kingdom, possessed, as the son of Marjory, Baliol's sister, a right to the throne, after the resignation of Baliol and his son, which, according to the principles on which Edward pronounced his decision, was unquestionable. He was also connected by marriage with the royal family of England,[2] and was undoubtedly one of the most powerful, if not the most powerful, subject in Scotland. Bruce and Comyn were thus the heads of two rival parties in the state, whose animosity was excited by their mutual claims to the same crown, and whose interests were irreconcileable. Accordingly, when Edward gave his

[1] Wallace was executed 23d August 1305. The new regulations for the government of Scotland were introduced on the 15th October 1305. Bruce was crowned 27th March 1306. Lord Hailes represents the capture of Wallace by Sir John Menteith as only a *popular tradition*, leaving it to be inferred by his reader that there is no historical authority for the fact. See Notes and Illustrations, letter U, for an examination of the historian's opinion upon this subject.

[2] His wife Johanna was daughter of William de Valence, earl of Pembroke. This Earl of Pembroke was son of Hugh de Brienne, who married Isabella, widow of John, king of England, grandfather of Edward the First.

famous award in favour of Baliol, Bruce, the competitor, refused to take the oath of homage;[1] and although he acquiesced in the decision, gave up his lands in the vale of Annandale, which he must have held as a vassal under Baliol, to his son, the Earl of Carrick; again, in 1293, the Earl of Carrick resigned his lands and earldom of Carrick to his son Robert, then a young man in the service of the king of England.[2] In the years 1295 and 1296, Edward invaded Scotland, and reduced Baliol, and the party of the Comyns, to submission. During this contest, Bruce, the earl of Carrick, and son of the competitor, possessed of large estates in England, continued faithful to Edward. He thus preserved his estates, and hoped to see the destruction of the only rivals who stood between him and his claim to the throne. Nor was this a vain expectation; for Edward, on hearing of the revolt of Baliol and the Comyns, undoubtedly held out the prospect of the throne to Bruce;[3] and these circumstances afford us a complete explanation of the inactivity of that baron and his son at this period. Meanwhile Baliol and the Comyns issued a hasty order, confiscating the estates of all who preserved their allegiance to Edward. In consequence of this resolution, the lordship of Annandale, the paternal inheritance of the Earl of Carrick, was declared forfeited, and given by Baliol to John Comyn, earl of Buchan, who immediately seized and occupied Bruce's castle of Lochmaben, an insult which there is reason to think the proud baron never forgave. Compelled to submit to Edward, the Comyns, and the principal nobles who supported them, were now carried prisoners into England; and, when restored to liberty, it was only on condition that they should join his army in Flanders, and assist him in his foreign wars.

During the brief but noble stand made by Wallace for the national liberty, Robert Bruce, then a young man of three-and-twenty, was placed in difficult and critical circumstances. It was in his favour that his rivals, the Comyns, were no longer in the field, but kept in durance by Edward. His father remained in England, where he possessed large estates, and continued faithful in his allegiance to the king. At this time it is important to remark what Walter Hemingford, a contemporary English historian, has said of young Bruce. After mentioning the revolt which was headed by Wallace, he informs us, "that the Bishop of Carlisle, and other barons, to whom the peace of that district was committed, became suspicious of the fidelity of Robert Bruce the younger, earl of Carrick, and sent for him to come and treat upon the affairs of Edward, if he intended to remain faithful to that monarch." Bruce, he continues, did not dare to disobey, but came on the day appointed, with his vassals of Galloway, and took an oath on the sacred host, and upon the sword of St Thomas, that he would assist the king against the Scots, and all his enemies, both by word and deed. Having taken this oath, he returned to his country; and to give a colour of truth to his fidelity, collected his vassals, and ravaged the lands of William Douglas, carrying the wife and infant children of this knight into Annandale. Soon after this, however, as he returned from a meeting of the Scottish conspirators to his own country, having assembled his father's men of Annandale, (for his father himself then resided in the south of England, and was ignorant of his son's treachery,) he told them, "that it was true he had lately taken a foolish oath at Carlisle, of which they had heard." He assured them that it was extorted by force, and that he not only deeply repented what he had done, but hoped soon to get absolution. Meanwhile he added, "that he was resolved to go with his own vassals and join the nation from which he sprung; and he earnestly entreated them to do the same, and come along with him as his dear friends and counsellors. The men of Annandale, however, disliking the

[1] Leland, Collect. vol. i. p. 540.
[2] Ibid.
[3] See supra, p. 42.

peril of this undertaking, whilst their master, the elder Bruce, was in England, decamped in the night; and the young Bruce, aspiring to the crown, as was generally reported, joined himself to the rebels, and entered into the conspiracy with the Bishop of Glasgow and the Steward of Scotland, who were at the bottom of the plot."[1] Such is an almost literal translation from the words of Walter Hemingford, whose information as to Scottish affairs at this period seems to have been minute and accurate.

At this time the ambition or the patriotic feelings of Bruce were certainly short-lived; for, not many months after, he made his peace at the capitulation at Irvine, and gave his infant daughter, Marjory, as a hostage for his fidelity.[2] Subsequent to the successful battle of Stirling, the Comyns, no longer in the power of the English king, joined Wallace; and young Bruce, once more seeing his rivals for the throne opposed to Edward, kept aloof from public affairs, anxious, no doubt, that they should destroy themselves by such opposition. He did not, as has been erroneously stated, accede to the Scottish party,[3] but, on the contrary, shut himself up in the castle of Ayr, and refused to join the army which fought at Falkirk. As little, however, did he cordially co-operate with the English king, although his father, the elder Bruce, and his brother, Bernard Bruce, were both in his service, and, as there is strong reason to believe, in the English army which fought at Falkirk. Young Bruce's conduct, in short, at this juncture, was that of a cautious neutral; but Edward, who approved of no such lukewarmness in those who had sworn homage to him, immediately after the battle of Falkirk advanced into the west. Bruce, on his approach, fled; and Edward afterwards led his army into Annandale, and seized his strong castle of Lochmaben.[4]

In a parliament held not long subsequent to this, the king gave to his nobles some of the estates of the chief men in Scotland; but the great estates of the Bruce family, embracing Annandale and Carrick, were not alienated. The fidelity of the elder Bruce to England in all probability preserved them. On the 13th of November 1299, we find Robert Bruce the younger, earl of Carrick, associated as one of the regents of the kingdom with John Comyn, that powerful rival, with whom he had hitherto never acted in concert.[5] It seems, however, to have been an unnatural coalition, raising more out of Bruce's having lost the confidence of Edward, than indicative of any new cordiality between him and Comyn; and there can be little doubt, also, that they were brought to act together by a mutual desire to humble and destroy the power of Wallace, in which they succeeded. But to punish this union, Edward, in his short campaign of 1300, wasted Annandale, took Lochmaben castle, and marched into Galloway, ravaging Bruce's country. Thus exposed to, and suffering under the vengeance of the King of England, it might be expected that he should have warmly joined with his brother regents in the war. But this seems not to have been the case. He did not take an active share in public affairs; and previous to the battle of Roslin, he returned, as we have seen, to the English party. During the fatal and victorious progress of Edward through Scotland in 1303, he remained faithful to that monarch, while his rivals, the Comyns, continued in arms against him. On the death of his father, which took place in 1304, Bruce was permitted by the King of England to take possession of his whole English and Scottish estates; and so high does

[1] Hemingford, vol. i. p. 120. Hailes, 8vo edit. vol. i. p. 301.

[2] Rymer, Fœd. vol. i. new edit. p. 868. Robert Bruce, earl of Carrick, James, the Steward of Scotland, John, his brother, Alexander de Lindesay, and William de Douglas, submitted themselves to Edward. On 30th July 1297, John Comyn, son of John, lord of Badenoch, John, earl of Athole, and Richard Suvard, were liberated from prison, and accompanied Edward to Flanders.

[3] Hailes' Annals, vol. i. 4to, pp. 256–263.

[4] Hemingford, p. 166.

[5] Rymer, vol. ii. p. 859.

he appear to have risen in the esteem of Edward, that he acted a principal part in the settlement of the kingdom in 1304; whilst his rival Comyn was subjected to a heavy fine, and seems to have wholly lost the confidence of the king.[1]

In this situation matters stood at the important period when we concluded the last chapter. Bruce, whose conduct had been consistent only upon selfish principles, found himself, when compared with other Scottish barons, in an enviable situation. He had preserved his great estates, his rivals were overpowered, and, on any new emergency occurring, the way was partly cleared for his own claim to the crown.

The effect of all this upon the mind of Comyn may be easily imagined. He felt that one whose conduct, in consistency and honour, had been inferior to his own, was rewarded with the confidence and favour of the king; whilst he who had struggled to the last for the liberty of his country became an object of suspicion and neglect. This seems to have rankled in his heart, and he endeavoured to instil suspicions of the fidelity of Bruce into the mind of Edward;[2] but at the same time he kept up to that proud rival the appearance of friendship and familiarity. Bruce, in the meantime, although he had matured no certain design for the recovery of the crown, never lost sight of his pretensions, and neglected no opportunity of strengthening himself and his cause by those bands and alliances with powerful barons and prelates which were common in that age. He had entered into a secret league of this kind with William de Lamberton, bishop of St Andrews, in which they engaged faithfully to consult together, and to give mutual assistance to each other, by themselves and their people, at all times, and against all persons, to the utmost of their power; without guile to warn each other against all dangers, and to use their utmost endeavour to prevent them.[3] This league was of course sedulously concealed from Edward; but it seems to have become known to Comyn, and a conference between him and Bruce on the subject of their rival claims actually took place. At this meeting Bruce described, in strong expressions, the miserable servitude into which their mutual dissensions, and their pretensions to the crown, had plunged the country; and we are informed by one of the most ancient and accurate of the contemporary historians, that he proposed as an alternative to Comyn, either that this baron should make over his great estate to Bruce, on condition of receiving from him in return his assistance in asserting his claim to the throne, or should agree to accept Bruce's lands, and assist him in the recovery of his hereditary kingdom. "Support my title to the crown," said Bruce, "and I will give you my estate; or give me your estate, and I will support yours."[4] Comyn agreed to wave his right and accept the lands; and, in the course of these confidential meetings, became acquainted with Bruce's secret associations, and even possessed of papers which contained evidence of his designs for the recovery of his rights. These designs, however, were as yet quite immature, and Bruce, who was still unsuspected, and in high confidence with Edward, repaired to the English court. Whilst there, Comyn betrayed him,[5] and despatched letters to the king, informing him of the ambitious projects of Bruce. Edward, anxious to unravel the whole conspiracy, had recourse to dissimulation, and the Earl of Carrick continued

[1] Trivet, p. 334.

[2] Hemingford, p. 219, says this expressly: —"Cumque mutuo loquerentur ad invicem verbis ut videbatur pacificis, statim convertens faciem et verba pervertens cœpit improperare ei."

[3] See Ayloffe's Calendar of Ancient Charters, p. 295. The deed is transcribed in Lord Hailes' Annals, vol. i. p. 280.

[4] Fordun a Hearne, p. 992, vol. iv. Winton, vol. ii. p. 122, says this conference took place when the two barons were "ryding fra Strevylyn." See also Langtoft, vol. ii. p. 330. Barbour's Bruce, Jamieson's edit. p. 18.

[5] Winton asserts, vol. ii. p. 123, that Comyn betrayed Bruce when he was yet in Scotland; upon which Edward sent for him to get him into his power; and that Bruce, suspecting nothing, repaired to London to attend parliament.

in apparent favour. But the king had inadvertently dropped some hint of an intention to seize him; and Bruce, having received from his kinsman, the Earl of Gloucester,[1] an intimation of his danger, took horse, and, accompanied by a few friends, precipitately fled to Scotland. On the Borders they encountered a messenger hastening to England. His deportment was suspicious, and Bruce ordered him to be questioned and searched. He proved to be an emissary of Comyn's, whom that baron had sent to communicate with Edward. He was instantly slain, his letters were seized, and Bruce, in possession of documents which disclosed the treachery of Comyn, pressed forward to his castle of Lochmaben,[2] which he reached on the fifth day after his sudden flight. Here he met his brother, Edward Bruce, and informed him of the perilous circumstances in which he was placed.[3] It was now the month of February, the time when the English justiciars appointed by Edward were accustomed to hold their courts at Dumfries; and Bruce, as a freeholder of Annandale, was bound to be present. Comyn was also a freeholder in Dumfriesshire, and obliged to attend on the justiciars; so that in this way those two proud rivals were brought into contact, under circumstances peculiarly irritating.[4] They met at Dumfries, and Bruce, burning with ill-dissembled indignation, requested a private interview with the rival who had betrayed him, in the Convent of the Minorite Friars. Comyn agreed, and, entering the convent, they had not reached the high altar before words grew high and warm, and the young baron, losing command of temper, openly arraigned Comyn of treachery. "You lie!" said Comyn; upon which Bruce instantly stabbed him with his dagger, and hurrying from the sanctuary which he had defiled with blood, rushed into the street, and called "To horse!" Lindsay and Kirkpatrick, two of his followers, seeing him pale and agitated, demanded the cause. "I doubt," said Bruce, as he threw himself on his horse, "I have slain Comyn." "Do you doubt?" cried Kirkpatrick, fiercely; "I'll make sure!" and instantly entered the convent, where he found the unhappy man still alive, but bleeding, and lying on the steps of the high altar. By this time the noise of the scuffle had alarmed his friends, and his uncle, Sir Robert Comyn,[5] rushing into the convent, attempted to save him. But Kirkpatrick slew this new opponent, and having despatched his dying victim, who could offer no resistance, rejoined his master. Bruce now assembled his followers, and took possession of the castle of Dumfries, whilst the English justiciars, who held their court in a hall in the castle, believing their lives to be in danger, barricaded the doors. But the building was immediately set fire to, upon which the judges capitulated, and were permitted to depart from Scotland without further molestation.[6]

This murder had been perpetrated by Bruce and his companions in the heat of passion, and was entirely unpremeditated; but its consequences were important and momentous. Bruce's former varying and uncertain line of policy, which had arisen out of the hope of preserving, by fidelity to Edward, his great estates, and of seeing his rival crushed by his opposition

[1] The Earl of Gloucester is ridiculously enough denominated by Maitland, vol. i. p. 469, Earl Gomer; by Boece called Glomer, which is as absurdly supposed to be a corruption of Montgomery.

[2] Winton, vol. ii. p. 127.

[3] Barbour, vol. i. p. 23.

[4] Hailes' Annals, vol. i. p. 355.

[5] There seems some little ambiguity about the knight's name. Hailes, vol. i. p. 291, says he is commonly called Sir Richard. A book of chronicles in Peter College Library, quoted by Leland, Coll. vol. i. p. 473, calls him Sir Roger. The Pope's bull, vol. iii. Rymer, Fœd. p. 810, puts it beyond doubt that his name is Robert. The murder of Comyn happened on Thursday, the 10th of February 1305-6.

[6] Hemingford, vol. i. p. 220. This historian tells us, that after Bruce had with his followers seized the castle of Dumfries, and expelled the justiciars, word was brought him that Comyn was still alive, and had been carried by the friars within the high altar, to confess his sins. Upon which Bruce ordered him to be dragged out and slain on the steps of the altar, so that the altar itself was stained with his blood. This is improbable.

to England, was at once changed by the murder of which he had been guilty. His whole schemes upon the crown had been laid open to Edward. This was ruin of itself; but, in addition to this, he had, with his own hand, assassinated the first noble in the realm, and in a place of tremendous sanctity. He had stained the high altar with blood, and had directed against himself, besides the resentment of the powerful friends and vassals of the murdered earl, all the terrors of religion, and the strongest prejudices of the people. The die, however, was cast, and he had no alternative left to him but either to become a fugitive and an outlaw, or to raise open banner against Edward, and, although the disclosure of his plans was premature, to proclaim his title to the crown. Having determined on this last, he repaired immediately to Lochmaben castle, and despatched letters to his friends and adherents. It was fortunate for him at this trying crisis that he had secured the friendship and assistance of the Archbishop of St Andrews, William de Lamberton, by one of those bands or covenants, which, in this age, it was considered an unheard-of outrage to break or disregard. Lamberton's friendship disarmed of its dreadful consequences that sentence of excommunication which was soon thundered against him, and his powerful influence necessarily interested in his behalf the whole body of the Scottish clergy.

The desperate nature of Bruce's undertaking appeared very manifest, from the small number of adherents who joined his fortunes. The enumeration will not occupy much space. It embraced the Earls of Lennox and of Athole; Lamberton, the bishop of St Andrews; Robert Wishart, bishop of Glasgow; David, bishop of Moray; the Abbot of Scone; his four brothers, Edward, Nigel, Thomas, and Alexander; his nephew, Thomas Randolph; his brother-in-law, Christopher Seton; Gilbert de la Haye of Errol, with his brother, Hugh de la Haye; David Barclay of Cairns; Alexander Fraser, brother of Simon Fraser of Oliver castle; Walter de Somerville, of Linton and Carnwath; David of Inchmartin; Robert Boyd; and Robert Fleming. Such was the handful of brave men, comprising two earls and only fourteen barons, with whose assistance Bruce determined to take the field against the overwhelming power of England, directed by one of the most experienced statesmen, and certainly by the most successful military commander, of the age. "With these," says the authentic and affectionate Fordun, "he had the courage to raise his hand, not only against the King of England and his allies, but against the whole accumulated power of Scotland, with the exception of an extremely small number who adhered to him, and who seemed like a drop of water when compared to the ocean."[1]

Bruce's first step was bold and decisive. He determined immediately to be crowned at Scone, and for this purpose repaired from his castle of Lochmaben to Glasgow, where he was joined by some of the friends who supported his enterprise. On the road from Lochmaben, a young knight, well armed and horsed, encountered his retinue, who, the moment Bruce approached, threw himself from his

[1] "There is no living man," continues the historian, "who is able to narrate the story of those complicated misfortunes which befell him in the commencement of this war, his frequent perils, his retreats, the care and weariness, the hunger and thirst, the watching and fasting, the cold and nakedness to which he exposed his person, the exile into which he was driven, the snares and ambushes which he escaped, the seizure, imprisonment, the execution, and utter destruction of his dearest friends and relatives. . . . And if in addition to these almost innumerable and untoward events, which he ever bore with a cheerful and unconquered spirit, any man should undertake to describe his individual conflicts and personal successes, those courageous and single-handed combats in which, by the favour of God, and his own great strength and courage, he would often penetrate into the thickest of the enemy, now becoming the assailant, and cutting down all who opposed him; at another time acting on the defensive, and evincing equal talents in escaping from what seemed inevitable death; if any writer shall do this, he will prove, if I am not mistaken, that he had no equal in his own time, either in knightly prowess, or in strength and vigour of body."—Fordun a Hearne, vol. v. p. 998.

horse, and kneeling, did homage to him as his sovereign. He was immediately recognised as Sir James Douglas, the son of William, the fourth Lord Douglas, whose estate had been given by Edward to the Lord Clifford, and was affectionately welcomed; for his father had fought with Wallace, and the son had already shewn some indications of his future greatness. Douglas immediately joined the little band who rode with Bruce; and thus commenced a friendship which, after a series of as noble services as ever subject paid to sovereign, was not dissolved even by death: for it was to this tried follower that in after years his dying master committed his heart to be carried to Jerusalem.[1]

From Glasgow Bruce rode to Scone, and there was solemnly crowned, on Friday, the 27th of March. Edward had carried off the ancient regalia of the kingdom, and the famous stone-chair, in which, according to ancient custom, the Scottish kings were inaugurated. But the ready care of Wishart, bishop of Glasgow, supplied from his own wardrobe the robes in which Robert appeared at his coronation; and a slight coronet of gold,[2] probably borrowed by the abbot of Scone from some of the saints or kings which adorned his abbey, was employed instead of the hereditary crown. A banner, wrought with the arms of Baliol, was delivered by the Bishop of Glasgow to the new king; and Robert received beneath it the homage of the prelates and earls who attended the ceremony. On the second day after the coronation, and before Bruce and his friends had left Scone, they were surprised by the sudden arrival of Isabella, countess of Buchan, sister of the Earl of Fife, who immediately claimed the privilege of placing the king upon the throne. It was a right which had undoubtedly belonged to the earls of Fife from the days of Malcolm Canmore; and as the Earl of Fife was at this time of the English party, the countess, a high-spirited woman, leaving her home, joined Bruce at Scone, bringing with her the war-horses of her husband.[3] The new king was not in a condition to think lightly of anything of this nature. To have refused Isabella's request might give to his enemies some colour for alleging that an essential part of the ancient solemnity had been omitted in his coronation. The English historians would have us believe that the lady was influenced by tenderer feelings than ambition or policy; but this is doubtful. It is certain that on the 20th of March the king was a second time installed in the regal chair by the hands of the countess,[4] who afterwards suffered severely for her alleged presumption.

Bruce next made a progress through various parts of Scotland, strengthening his party by the accession of new partisans; seizing some of the castles and towns which were in the possession of the enemy; committing to prison the sheriffs and officers of Edward;[5] and creating so great a panic, that many of the English fled precipitately from the country. His party, nevertheless, was small; the Comyns possessed the greatest power in Scotland, and they and their followers opposed him, not only from motives of policy, but with the deepest feelings of feudal enmity and revenge; while many earls and barons, who had suffered in the late wars, preferred the quiet of submission to the repeated hazards of insurrection and revolt.

Edward had returned to Winchester, from a pleasure tour through the counties of Dorset and Hampshire, when he received the intelligence of the murder of Comyn and the revolt of Bruce. Although not an aged man, he had reached the mature period of sixty-five; and a constant exposure to the fatigues of war had begun to

[1] Barbour, by Jamieson, p. 27.

[2] Rymer, Fœdera, vol. ii. p. 1048. This *coronella aurea* came into the hands of Geffrey de Coigners, who seems to have incurred the resentment of Edward the First, for concealing and preserving it. Langtoft, Chronicle, vol. ii. p. 331. Maitland has no authority for asserting, vol. i. p. 474, that the crown was made expressly for Robert's coronation, by Geffrey de Coigners.

[3] Hemingford, vol. i. p. 220. Robertson's Index, p. 17, No. 41.

[4] Trivet, p. 342. See Notes and Illustrations, letter V.

[5] Rymer, Fœd. vol. ii. p. 988.

make an impression upon a constitution of great natural strength. He was become unwieldy, and so infirm that he could not mount on horseback or lead his armies; and after twenty years of ambitious intrigue, and almost uninterrupted war, now that he was in the decline of his strength and years, he found his Scottish conquests about to be wrested from him by a rival, in whom he had placed the greatest confidence. But although broken in body, this great king was in his mind and spirit yet vigorous and unimpaired, as was soon evinced by the rapidity and decision of his orders, and the subsequent magnitude of his preparations. He instantly sent to strengthen the frontier garrisons of Berwick and Carlisle, with the intention of securing the English Borders on that side from invasion; and he appointed the Earl of Pembroke, with Lord Robert Clifford and Henry Percy, to march into Scotland, directing them to proceed against his rebels in that kingdom.[1] This was in an eminent degree the age of chivalry; and Edward, who had himself gained renown in Palestine, availed himself of that imposing system to give greater spirit to his intended expedition. He published a manifesto, declaring his intention of bestowing knighthood upon his son, the Prince of Wales; and he caused it to be proclaimed over England that as many young esquires as had a right to claim knighthood should appear at Westminster on the Feast of Pentecost, and receive that honour along with the son of their sovereign, after which they should accompany him in his Scottish war. On the day appointed, three hundred young gentlemen, the flower of the English youth, with a brilliant assemblage of pages and attendants, crowded before the king's palace; which being too small for so great a concourse, orders were given to cut down the trees in the orchard of the New Temple. In this ample space the novices pitched their pavilions; and the king, with a splendid munificence, distributed to them from his royal wardrobe the scarlet cloth, fine linen, and embroidered belts, made use of on such occasions. Habited in these, they kept their vigil and watched their arms in the Chapel of the Temple, whilst the young prince performed the same ceremony in the abbey church at Westminster. Next morning Edward, with great pomp, knighted his son in the palace; and the prince, after having received the belt and spurs, came to the abbey church to confer the same honour upon the young esquires who were there waiting for him, with an immense concourse of spectators. This crowd was the cause of giving additional solemnity to the spectacle, for the prince was obliged, from the press, to mount the steps of the high altar; and on this sacred spot, amid the assembled chivalry of England, he conferred the rank of knighthood upon his three hundred companions. He and his companions then proceeded to the banquet, at which two swans, ornamented with golden net-work, emblems in those days of constancy and truth, were brought in. Upon their being placed on the table, the king rose and made a solemn vow to God and to the swans that he would set out for Scotland, there avenge the death of John Comyn, punish the treachery of the Scots, and afterwards embark for the holy war, with the resolution to die in Palestine.[2] After this strange and irreverent adjuration, he next addressed his son, and made him promise that if he died before he took this journey, he should carry his body with the army into Scotland, and not commit it to the earth until he had obtained the victory over his enemies. The clergy and laity then agreed to contribute a thirtieth, and the merchants a tenth, towards defraying the expenses of the war. The

[1] Rymer, Fœd. new edition, vol. i. part. ii. p. 982. Math. Westminst. p. 454. Aymer de Valence, earl of Pembroke, was appointed Guardian of Scotland, with full power to receive those to mercy who would come in and submit themselves, excepting those who had a hand in the murder of the Lord Comyn. This appears by a charter under the Great Seal, quoted by Tyrrel, vol. iii. p. 171.

[2] Hailes, vol. ii. p. 4.

prince and the barons promised faithfully to perform these commands of their sovereign; and having agreed to meet at Carlisle fifteen days after Midsummer, they returned home to make preparations for war.[1] The Earl of Pembroke, with Clifford and Henry Percy, soon hastened into Scotland; and the Prince of Wales, with his knights companions, followed in the rear of their army; whilst Edward himself, unable from violent fatigue, proceeded towards Carlisle by slow journeys. It was an ill commencement of the young prince's chivalry that his excessive cruelty in ravaging the country, and sparing neither age nor sex, incurred the censure of his father the king, who was himself little wont to be scrupulous on these occasions.[2]

Bruce was unfortunate in the early part of his career; and his military talents, which afterwards conducted him through a course of unexampled victory, were nursed amid scenes of incessant hardship and defeat. After having ravaged Galloway,[3] he marched towards Perth, at that time a town walled and strongly fortified, where the Earl of Pembroke lay with a small army of soldiers. Bruce, on arriving at Perth, and finding the earl shut up within the walls, sent a challenge, requesting him, in the chivalrous style of the age, to come out and try his fortune in an open field. Pembroke answered that the day was too far spent, but that he would fight with him next morning; upon which the king retired, and encamped about a mile from Perth, in the wood of Methven. Towards evening, whilst his soldiers were busy cooking their supper,[4] and many were dispersed in foraging parties, a cry was heard that the enemy were upon them; and Pembroke, with his whole army, which outnumbered the Scots by fifteen hundred men, broke in upon the camp.[5] The surprise was so complete, that it can only be accounted for by the belief that the king had implicitly relied upon the promise of the English earl. He and his friends had scarcely time to arm themselves. They made, however, a stout resistance, and at the first onset Bruce attacked the Earl of Pembroke, and slew his horse; but no efforts of individual courage could restore order, or long delay defeat; and the battle of Methven was from the first nearly a rout. The king was thrice unhorsed, and once so nearly taken, that the captor, Sir Philip de Mowbray, called aloud that he had the new-made king, when Sir Christopher Seton felled Mowbray to the earth, and rescued his master.[6] The king's brother, Edward Bruce, Bruce himself, the Earl of Athole, Sir James Douglas, Sir Gilbert de la Haye, Sir Nigel Campbell, and Sir William de Barondoun,[7] with about five hundred men, kept the field, and at last effected their retreat into the fastnesses of Athole; but some of his best and bravest friends fell into the hands of the enemy. Sir David de Berklay, Sir Hugh de la Haye, Sir Alexander Fraser, Sir John de Somerville, Sir David Inchmartin, and Thomas Randolph, then a young esquire, were all taken, along with Hugh, a chaplain. On being informed of the victory, Edward gave orders for the instant execution of the prisoners; but the Earl of Pembroke, with more humanity, did not carry these orders into immediate execution. Randolph, on being pardoned, deserted his uncle; others were ransomed; whilst the chaplain, with other knights who had

[1] Math. Westminst. p. 455. Langtoft, p. 333.
[2] Ypodigma Neustriæ, p. 498.
[3] Chron. Lanercost, p. 204.
[4] Chron. Abingdon, quoted in Tyrrel, vol. iv. p. 172.
[5] Barbour, by Jamieson, p. 37.
[6] Barbour, pp. 35, 36. Math. Westminst., p. 455, asserts that the king was thrice unhorsed, and thrice rescued by Sir Simon Fraser.
[7] This knight is a witness to a charter of Haig of Bemerside to the Abbey of Melrose, along with Thomas Rymer of Ercildoun and others. Chartulary of Melrose, Bib. Harl. 3960, f. 109, a.
[8] Prynne's Edward I., p. 1123. Barbour, by Jamieson, p. 35. The battle, according to Hume's History of the House of Douglas, p. 44, was fought on the 19th June. A ballad in MS., Harleian, No. 2253, f. 60, a, says that the battle was fought before St Bartholomew's mass, *i.e.* 24th August.

been taken, were hanged and quartered.[1]

Bruce and his friends now began to feel the miseries of outlaws. A high price was set on his head, and he was compelled to harbour in the hills, deprived of the common comforts of life. He and his followers presented a ragged and wretched appearance. Their shoes were worn off their feet by constant toil in a mountainous country; and hunting, in better days a joyful pastime, became a necessitous occupation. At length want and distress drove him and his little band into the low country; and at Aberdeen his brother, Sir Nigel Bruce, met him with his queen and other ladies, determined to share the pains of war and banishment with their husbands and their fathers.[2] Here, after enjoying a short season of solace and respite, a report was brought of the near advance of the English; and the king and his friends, accompanied by their faithful women, retreated into Breadalbane.[3] And now, if already they had experienced distress, it was, we may believe, greatly aggravated by the presence of those whose constitutions were little able to struggle against cold and hunger, and whose love, as it was of that sterling kind which was ready to share in every privation, only made the hearts of their husbands and fathers more keenly alive to their sufferings. An ancient author has given a striking account of their mode of life. The roots and berries of the woods, the venison caught in the chase, the fish which abounded in the mountain rivers, supplied them with food—the warm skins of deer and roe with bedding—and all laboured to promote their comfort; but none with such success as the brave and gallant Sir James Douglas. This young soldier, after the imprisonment and death of his father, had been educated at the polished court of France;[4] and whilst his indefatigable perseverance in the chase afforded them innumerable comforts, his sprightly temper and constant gaiety comforted the king and amused his forlorn companions.[5]

They had now reached the head of Tay, and deeper distresses seemed gathering round them, for the season was fast approaching when it was impossible for women to exist in that remote and wild region; and they were on the borders of the Lord of Lorn's country, a determined enemy of Bruce, who had married the aunt of the murdered Comyn.[6] Lorn immediately collected a thousand men, and, with the barons of Argyle, besetting the passes, hemmed in the king, and attacked him in a narrow defile, where Bruce and his small band of knights could not manage their horses. The Highlanders were on foot; and, armed with that dreadful weapon, the Lochaber axe, did great execution. Sir James Douglas, with Gilbert de la Haye, were both wounded, and many of the horses severely cut and gashed; so that the king, dreading the total destruction of his little band, managed to get them together, and having placed himself in the rear, between them and the men of Lorn, commenced his retreat, halting at intervals, and driving back the enemy, when they pressed too hard upon them. It was in one of these skirmishes that Bruce, who, in the use of his weapons, was esteemed inferior to no knight of his time, with his own hand killed three soldiers, who attacked him at the same time and at a disadvantage[7]—a feat which is said to have extorted even from his ene-

[1] Barbour, p. 37. Prynne, Edward I., p. 1123–4.

[2] Edward, on being informed of this trait of female heroism, is said by Fordun to have published a proclamation proscribing all those women who continued to follow their husbands. Ker, in his History of Bruce, vol. i. p. 226, seems to have mistaken the meaning of Fordun, misled by his monkish Latin.

[3] Barbour, p. 41.

[4] Hume's Hist. of House of Douglas and Angus, p. 37.

[5] Barbour, vol. i. p. 40.

[6] Ibid. p. 41.

[7] Barbour, p. 44. Lord Hailes, who in other places quotes Barbour as an unquestionable historical authority, says he dare not venture to place this event in the text. Surely there is nothing marvellous in a knight of great bodily strength and courage with his single hand despatching three half naked *ketherans*.

mies the praise of superior chivalry. Having thus again escaped, a council was held, and it was resolved that the queen and her ladies should be conducted to the strong castle of Kildrummie, in Mar, under an escort, commanded by young Nigel Bruce, the king's brother, and John, earl of Athole. The king, with only two hundred men, and beset on all sides by his enemies, was left to make his way through Lennox to Kantire, a district which, from the influence of Sir Neil Campbell, who was then with him, he expected would be somewhat more friendly. He now gave up all the horses to those who were to escort the women, and having determined to pursue his way on foot, took a melancholy farewell of his queen.[1] It was the last time he ever saw his brother, who soon after was taken, and fell a victim to the implacable revenge of Edward. Bruce, meanwhile, pressed on through Perthshire to Loch Lomond. On the banks of this lake his progress was suddenly arrested. To have travelled round it would have been accomplished at great risk, when every hour, which could convey him beyond the pursuit of his enemies, was of value. After some time, they succeeded in discovering a little boat, which, from its crazy and leaky state, could hold but three persons, and that not without danger of sinking. In it, the king, Sir James Douglas, and another, who rowed them, first passed over. They then despatched it in return for the rest, so that the whole band at length succeeded in reaching the other side. Amid these complicated dangers and distresses, the spirit of their royal master wonderfully supported his followers. His memory was stored with the tales of romance so popular in that chivalrous age; and in recounting the sufferings of their fabled heroes, he is said to have diverted the minds of his friends from brooding too deeply on their own.[2] They began now to feel the misery of hunger, and in traversing the woods in search of food they encountered the Earl of Lennox, who, since the unfortunate defeat at Methven, had heard nothing of the fate of his sovereign. Lennox fell on his master's neck, and the king wept in embracing him. But even this natural burst of grief proved dangerous by occupying too much time; for the enemy were now pressing on their track, and everything depended on Bruce's gaining the coast, where he expected to meet Sir Neil Campbell, whom he had sent in advance. This he fortunately accomplished; and Campbell, with a few boats which he had collected, conveyed the monarch and his followers to the coast of Kantire, where they were hospitably received by Angus of Islay, lord of Kantire. From thence, deeming himself still insecure, he passed over with three hundred in his company to the little island of Rachrin, situated on the northern coast of Ireland, amid whose rude but friendly inhabitants he buried himself from the pursuit of his enemies.[3]

Edward, on hearing of the escape of Bruce, proceeded with his usual severity against his enemies. He published at Lanercost, where he then lay, on his road to Scotland, an ordinance, by which all who were guilty of the death of John Comyn were sentenced to be drawn and hanged; and he decreed that the same extremity of punishment should be inflicted on such as either advised or assented, or, after the fact, knowingly received them. It was added, that any persons who were in arms against the king, either before or since the battle of Methven, as well as all who were willingly of the party of Robert Bruce, or who assisted the people in rising contrary to law, were, on conviction, to be imprisoned; and it was commanded that every subject of the king should levy hue and cry upon all who had been in arms against England, and under the penalty of imprisonment, and loss of their estates, apprehend such offenders dead or alive. Finally, as to the common people of Scotland, who, contrary to their inclination, might by their lords have been compelled to rise in arms,

[1] Barbour, vol. i. p. 51.
[2] Ibid. pp. 53, 54.
[3] Barbour, p. 62.

the guardian was permitted to fine and ransom them according to their offences.[1]

These orders were rigorously carried into execution, and the terror of the king's vengeance induced some of the Scottish barons to act with meanness. Bruce's queen,[2] and his daughter Marjory, thinking themselves insecure in the castle of Kildrummie, which was threatened by the English army, had taken refuge in the sanctuary of St Duthac, at Tain, in Ross-shire, and were treacherously given up to the English by the Earl of Ross, who violated the sanctuary, and made them, and the knights who escorted them, prisoners. These brave men were immediately put to death, and the queen, with her daughter, committed to close confinement in England;[3] where, in different prisons and castles, they endured an eight years' captivity. A more severe fate awaited the Countess of Buchan, who had dared to place the king upon the throne, and who was soon after taken. In one of the outer turrets of the castle of Berwick was constructed a cage, latticed and cross-barred with wood, and secured with iron, in which this unfortunate lady was immured. No person was permitted to speak with her except the women who brought her food, and it was carefully stipulated that these should be of English extraction. Confined in this rigorous manner, and yet subjected to the gaze of every passer by, she remained for four years shut up, till she was released from her misery, and subjected to a milder imprisonment[4] in the monastery of Mount Carmel, in Berwick. Mary and Christina, both sisters to the Scottish king, were soon after made prisoners. Mary was confined in a cage similar to that of the Countess of Buchan, built for her in one of the turrets of Roxburgh castle;[5] and Christina was delivered to Henry Percy, who shut her up in a convent.

Immediately after the battle of Methven, the troops of the Earl of Pembroke, in scouring the country, took prisoners, Lamberton, bishop of St Andrews, and the Abbot of Scone, who were found clad in armour, and conveyed them in fetters to England.[6] Soon after this, Robert Wishart, bishop of Glasgow, who had escaped to the castle of Cupar in Fife, was there taken, and sent fettered, and in his mail coat, to the castle of Nottingham.[7] These clerical champions were saved from the gallows solely by their sacred function. They had strenuously supported Bruce by their great influence, as well as by their money and their armed vassals; and Edward, after commanding them to be imprisoned in irons, within different castles, wrote to the Pope, requesting that, in consequence of their treason against him, William Comyn, brother to the Earl of Buchan, and Geoffrey de Mowbray, should be appointed to the vacant sees of St Andrews and Glasgow—a proposal with which his Holiness does not appear to have complied.[8]

The next victim excited deeper commiseration. Bruce's youthful brother, Nigel, had shut himself up in the castle of Kildrummie, and there defied the English army, commanded by the Earls of Lancaster and Hereford. After a brave defence, the treachery of one of the garrison, who set fire to the magazine of corn, and destroyed their supplies, compelled them to surrender. The beautiful person and en-

[1] Tyrrel, Hist. of England, vol. iii. p. 174; and Rymer, Fœd. vol. i. part ii. p. 995, new edition.

[2] A daughter of the Earl of Ulster.

[3] Fœdera, vol. ii. pp. 1013, 1014. Barbour's Bruce, p. 66. Major, p. 181, erroneously says the queen was delivered up by William Comyn. In Rymer, Fœdera, vol. i. part ii. new edit. p. 767, we find William, earl of Ross.

[4] Rotuli Scotiæ, vol. i. p. 95. Trivet, p. 342. Math. West. p. 455. Notes and Illustrations, letter W.

[5] Fœdera, vol. ii. p. 1014. She was confined in the cage till 1310, when she was exchanged for nine English prisoners of note in the hands of the Scots. Rot. Scotiæ, vol. i. p. 86.

[6] Math. Westminster, p. 455.

[7] Rymer, Fœd. vol. i. part ii. new edit. p. 996.

[8] Prynne, Edward I., p. 1156. The Bishop of St Andrews was confined in the castle of Winchester, the Bishop of Glasgow in the castle of Porchester. Rymer, Fœd. p. 996, ut supra.

gaging manners of Nigel Bruce[1] rendered his fate a subject of horror and indignation to the Scots, and excited sentiments of pity in every bosom but that of Edward. He was sent to Berwick, there condemned by a special commission, hanged, and afterwards beheaded.[2] Along with him divers other knights and soldiers suffered the same fate.[3] Christopher de Seton, who had married a sister of Bruce, and had rendered essential service to the king, took refuge in his castle of Loch Don, in Ayrshire, which is said to have been pusillanimously given up to the English by Sir Gilbert de Carrick.[4] Seton, who was a great favourite with the people, was especially obnoxious to Edward, as he had been personally present at the death of Comyn. He was immediately hurried to Dumfries, and condemned and hanged as a traitor. So dear to King Robert was the memory of this faithful friend and fellow warrior, that he afterwards erected on the spot where he was executed a little chapel, where mass was said for his soul.[5] Sir Christopher's brother, John de Seton, was taken about the same time, and put to death at Newcastle.

The Earl of Athole, who was allied to the King of England, had been present at the coronation of Bruce, and had fought for him at the battle of Methven. In attempting to escape beyond seas, he was driven back by a tempest, and fell into the hands of the enemy. Edward, on hearing of his being taken, although he then lay dangerously sick, expressed great exultation; and while some interceded for Athole, on account of the royal blood which flowed in his veins, swore that his only distinction should be a higher gallows than his fellow traitors. Nor was this an empty threat. He was carried to London, tried and condemned in Westminster Hall, and hanged upon a gallows fifty feet high. He was then cut down half dead, his bowels taken out and burnt before his face, and at last beheaded, his head being afterwards placed, amongst those of other Scottish patriots, upon London bridge.[6]

Sir Simon Fraser was still free; and the other knights and nobles who had fallen into the hands of Edward are said to have boasted that it would require all the efforts of the king to apprehend him. Fraser was a veteran soldier; his life had been spent in war both at home and on the continent, and he enjoyed a high reputation. With a small force which he had collected, he made a last effort for the national liberty at Kirkencliff, near Stirling, but was entirely routed, and forced to surrender himself prisoner to Sir Thomas de Multon. Many knights and squires were taken along with him, whilst others fell on the field, or were drowned in the river.[7] This warrior enjoyed great popularity in Scotland, as the last friend and follower of Wallace; and the severity and studied indignity with which he was treated by Edward reminds us of the trial and execution of that heroic person. He was carried to London heavily ironed, with his legs tied under his horse's belly, and as he passed through the city, a garland of periwinkle was in mockery placed upon his head. He was then lodged in the Tower, along with his squire, Thomas de Boys, and Sir Herbert de Morham, a Scottish knight of French extraction, whose courage and manly deportment are commemorated in a contemporary English ballad. Fraser was tried and condemned, after which he suffered the death of a traitor, with all its circumstances of refined cruelty. He was hanged, cut down when still living, and beheaded; his bowels were then

[1] Math. Westminster, p. 456, designates him, "miles pulcherrimæ juventutis."

[2] Barbour, p. 70. Math. Westminster, p. 455.

[3] Scala Chronica, p. 131.

[4] Robertson's Index, p. 135-8. Notes and Illustrations, letter X.

[5] Stat. Account, vol. v. pp. 141, 142. Leland, Coll. vol. i. part ii. p. 543, in other words the Scala Chronicle is in an error in describing Seton as taken prisoner in Kildrummie castle.

[6] Math. Westminster, p. 456.

[7] The old contemporary ballad, printed from the Harleian MS. by Pinkerton, in his Maitland Poems, vol. ii. p. 488, says that Fraser, at the battle of Kirkencliff, besides Stirling, surrendered to Sir Thomas de Multon and to Sir John Jose.

torn out and burned, and his head fixed beside that of Wallace upon London bridge.[1] The trunk was hung in chains, and strictly guarded, lest his friends should remove it. Herbert de Morham, who had been imprisoned and forfeited in 1297, and liberated under the promise of serving Edward in his Flemish war,[2] next suffered death, and with him Thomas Boys. To these victims of Edward's resentment we may add the names of Sir David Inchmartin, Sir John de Somerville, Sir Walter Logan, and many others of inferior note. After the disgusting details of these executions, the reader will be disposed to smile at the remark of a late acute historian, that the execution of the Scottish prisoners is insufficient to load Edward's memory with the charge of cruelty.[3] To complete the ruin of Bruce, it only remained to dispose of his great estates, and to excommunicate him, as guilty of murder and sacrilege. His lordship of Annandale was bestowed on the Earl of Hereford, his maternal estate of Carrick given to Henry Percy, and the Lord Robert Clifford, with others of Edward's nobles, shared the rich English estates, which had long been hereditary in this powerful family.[4]

In the end of February, the Cardinal St Sabinus, the legate of the Pope in England, with great pomp repaired to Carlisle, in which city Edward then kept his head-quarters, and with all those circumstances of terror which such a sentence involved, the Scottish king and his adherents were excommunicated by book, bell, and candle.[5]

Meanwhile, out of the reach of the Papal thunder, and ignorant of the miserable fate of his friends, Bruce, during the winter, remained in the little isle of Rachrin. On the approach of spring, having received some assistance from Christina of the Isles, he began to meditate a descent upon Scotland, and first despatched Sir James Douglas and Sir Robert Boyd on an adventure to the island of Arran. Douglas found it occupied by Sir John Hastings, an English knight, who held the castle of Brodick with a strong garrison; and having laid an ambuscade, he had the good fortune to surprise the under-warden of the castle, and, after killing forty of his soldiers, to make himself master of a valuable cargo of provisions, arms, and clothing. This proved a seasonable supply to the king, who soon after arrived from Rachrin with a fleet of thirty-three galleys, and in his company about three hundred men. Ignorant of the situation of the enemy, he first despatched a messenger from Arran into his own country of Carrick, with instructions, if he found the people well-affected, to light a fire, at a day appointed, upon an eminence near Turnberry castle. When the day arrived, Bruce, who watched in extreme anxiety for the signal, about noon perceived a light in the expected direction, and instantly embarked, steering, as night came on, by the light of the friendly beacon.[6] Meanwhile, his messenger had also seen the fire, and dreading that his master might embark, hastened to the beach, where, on meeting his friends, he informed them that Lord Percy, with a strong garrison, held the castle of Turnberry, that parties of the enemy were quartered in the town, and there was no hope of success. "Traitor," said the king, "why did you light the fire?" "I lighted no fire," he replied; "but observing it at nightfall, I dreaded you might embark, and hastened to meet you."

[1] Math. Westminster, p. 456.

[2] Lord Hailes, p. 15, following Math. Westminster, calls him Herebert de Norham; but the contemporary poem above quoted gives his name Herebert de Morham, which is corroborated by Rymer, Fœdera, new edit. vol. i. part ii. p. 869. Norham is not in Scotland, but Morham is in Haddingtonshire. Math. Westminster, p. 456, says he was "Vir cunctis Scotie formosior et statura eminentior." Morham parish is the smallest in Haddingtonshire, and belonged, under William the Lyon, to a family named Malherbe, who afterwards assumed the name of Morham. Caledonia, vol. ii. p. 537. The ancient fortalice of Morham stood on an eminence near the church, but no vestiges of it remain. Stat. Account, vol. ii. p. 334.

[3] See Notes and Illustrations, letter Y. Fordun a Goodal, vol. ii. p. 236.

[4] Hemingford, p. 224.

[5] Hemingford, p. 226.

[6] Barbour, pp. 83, 84.

Placed in this dilemma, Bruce questioned his friends what were best to be done; and his brother, Sir Edward, declared loudly, that he would follow up his adventure, and that no power or peril should induce him to re-embark. This was said in the true spirit of a knight-errant; but his royal brother, who was playing a game of which the stake was a kingdom, might be allowed to hesitate. His naturally fearless and sanguine temper, however, got the better; and dismissing caution, he determined to remain, and, as it was still night, to attack the English quarters. The plan succeeded. The enemy, cantoned in careless security, in the houses and hamlets round the castle of Turnberry, were easily surprised and put to the sword; while Percy, hearing the tumult, and ignorant of the small number of the Scots, did not dare to attempt a rescue, but shutting himself up in the castle, left a rich booty to the assailants, amongst which were his war horses and his household plate.[1]

There was a romantic interest about Bruce's fortunes, which had a powerful effect upon the female mind, and the hero himself seems to have been willing to avail himself of this influence.[2] He had already received assistance from the Countess of Buchan and Christina of the Isles; and now, on hearing of his success in Carrick, he was joined by a lady, nearly related to him, but whose name has been lost. She brought him, however, a seasonable supply of money and provisions, and a reinforcement of forty men. From her, too, he first learnt the miserable fate of Seton, Athole, and the garrison of Kildrummie; and, during the recital, is said to have vowed deeply that their deaths should not go unrevenged.

Meanwhile his success spread a panic among the English; for although Ayr castle was in the hands of Edward, neither its garrison nor that of Turnberry, under Percy, dared to make head against him. At length, Sir Roger St John marched from Northumberland with a body of a thousand men; covered by this force, Henry Percy, with the remains of his garrison, evacuated Turnberry, and hurried into England;[3] whilst Bruce, unable to oppose St John, retired into the mountainous parts of Carrick. Here the adventurous spirit of James Douglas could not long remain inactive. He knew that Lord Clifford, on whom Edward had bestowed his hereditary domain, held his castle of Douglas with a strong garrison; and having obtained the king's permission, he travelled in disguise into Douglasdale, and, after carefully observing the strength and position of the enemy, discovered himself to Dickson, a faithful servant, in whose house he lay concealed. Here, night after night, did his principal vassals assemble, rejoiced again to find the son of their old lord; and thus, unknown to the English, a little band of determined foes was nursed amongst them, who watched every step they took, and were ready to fall upon them the first moment that promised an advantage. This soon presented itself. The garrison, on Palm Sunday, marched out to the neighbouring church of St Bride, leaving the castle undefended. Some of Douglas's followers, with concealed arms, entered the church along with them, and in a moment when they least suspected, the English heard the cry of "Douglas!" and found themselves attacked both from without and within. After a stout resistance, and much bloodshed, the church was won and many prisoners taken. Having thus cut off the garrison, Douglas first plundered the castle of the arms and valuables which could be carried off. This done, he raised a huge pile of the malt and corn which he found in the stores, staved the casks of wine and other liquors, and threw them on the heap, after which he slew his prisoners, and cast their dead bodies on the pile. He then set fire to this savage hecatomb, and consumed it and the halls of his fathers in the blaze.[4]

1 Hemingford, vol. i. p. 225.
2 Barbour, p. 105, line 541.
3 Barbour, vol. i. p. 95. Trivet, p. 344.
4 Hume's House of Douglas and Angus, vol. i. pp. 50, 51. Barbour, pp. 100, 101.

This cruel transaction, which is said to have been intended as a sacrifice to the manes of his faithful servant Dickson, who was slain in the church, is still remembered in the tradition of the country by the name of the Douglas' Larder.

This success, however, was more than balanced by a grievous disaster which about this time befell Bruce. He had despatched his brothers, Thomas and Alexander, into Ireland, where they had the good fortune to collect a force of seven hundred men, with which they crossed over to Loch Ryan in Galloway. But their approach to the coast had been watched by Macdowall, a chieftain of that country, who was in the English interest, and as they attempted to make good a landing, he attacked, and completely routed their little army. Many perished in the sea, and the rest were either slain or taken prisoners. Of the prisoners, those of note were Bruce's brothers, Thomas and Alexander, with Sir Reginald Crawford, who were all grievously wounded. Malcolm Mackail, lord of Kantire, along with two Irish reguli or chiefs, were found amongst the slain. Macdowall, with savage exultation, cut off their heads, and presented them, and his illustrious prisoners, bleeding and almost dead, to the king at Carlisle.[1] Edward commanded the two Bruces and Crawford to be instantly executed. Thus, within a few short months, had the king to lament the cruel death of three brothers, that of his dear friends, Seton, Athole, and Fraser; besides the imprisonment of his queen and his daughter.

Deprived of this reinforcement, the king began to be in great difficulties. The English hotly pursued him, and even had the meanness to lay plots for his assassination, whilst the Galwegians endeavoured to hunt him down with bloodhounds.[2] On one of these occasions, when only sixty soldiers were in his company, he made a narrow escape. It was near nightfall, when his scouts informed him that a force of two hundred soldiers were on the way to attack them. He instantly crossed a mountain river hard by, of which the banks were steep and wooded, and drew up his men in a swampy level about two bowshots off. He then commanded them to lie still, while he and Sir Gilbert de la Haye went forward to reconnoitre. The ground was well fitted for defence. A steep path led up from the brink of the river to the summit of the bank, and Bruce took his stand at the gorge, where it was so narrow that the superior numbers of the enemy gave them little advantage. Here he listened for some time, till at length the baying of a hound told him of the approach of the Galwegians; and by the light of the moon he could see their band crossing the river, and pressing up the path. He instantly despatched De la Haye to rouse and bring up his little force, whilst he remained alone to defend the pass. The fierce mountaineers were soon upon him; but, although mounted and armed after their own fashion, they stood little chance against so powerful an adversary as Bruce, clothed in steel, and having the advantage of the ground. One only could attack him at a time; and as he pressed boldly, but blindly forward, he was transfixed in a moment by the spear; whilst his horse, borne down to the earth, and instantly stabbed, blocked up the path in such a way that the next soldier must charge over his body. He, too, with many of his companions, successively, but vainly, endeavoured to carry the pass. They were met by the dreadful sword of the king, which swept round on every side. Numbers now fell, and formed a ghastly barrier around him

Lord Hailes, vol. ii. p. 20, makes Barbour say, that "about ten persons were made prisoners in the chapel, whom Douglas put to death." I fear, from the expressions of this historian, many more than ten persons were slain in the *Douglas' Larder*.

[1] Math. Westminster, pp. 457, 458. Hemingford, p. 225. Langtoft, with less probability, asserts that Macdowall surprised the two Bruces and their soldiers, on Ash Wednesday, when returning from church, vol. ii. p. 337. The Macdowalls were anciently the most powerful family in Galloway. In Dugdale's Monasticon, vol. ii. p. 1057, we find Roland Macdowall, in 1190, styled "Princeps Gallovidiæ."

[2] Barbour, pp. 108, 111.

so that, on the approach of his men, the Galwegians drew off, and gave up the pursuit. When the soldiers came up, they found Bruce wearied, but unwounded, and sitting on a bank, where he had cast off his helmet to wipe his brow, and cool himself in the night air. In this manner, partly by his own valour, and partly from the private information which he received from those kindly disposed to him, he escaped the various toils with which he was beset; and as he still counted amongst his party some of the bravest and most adventurous soldiers in Scotland, it often happened, that when his fortunes seemed sinking to the lowest ebb, some auspicious adventure occurred, which reanimated the hopes of the party, and encouraged them to persevere. The castle of Douglas had been rebuilt by the English. It was again attacked by its terrible master, the "Good Sir James;" and although he failed in getting it into his hands, its captain was slain and a great part of its garrison put to the sword;[1] after which, having heard that the Earl of Pembroke, with a large force, was marching against the king, who still lay in the mountainous parts of Carrick, Douglas joined his sovereign, and awaited their advance.

Bruce had now been well trained. He was familiarly acquainted with this partisan kind of warfare; and it was his custom, when keenly pursued, to make his soldiers disperse in small companies, first appointing a place of rendezvous, where they should reassemble when the danger was over. Trusting to this plan, and to his own personal courage and skill, he did not hesitate, with only four hundred men, to await the attack of Pembroke's army, which had been reinforced, by John of Lorn, with eight hundred Highlanders, familiar with war in a mountainous country, and well trained to act in the moors and morasses of this wild region. Lorn is, moreover, reported to have taken along with him a large bloodhound, which had once belonged to the king, and whose instinctive attachment was thus meanly employed against its old master.[2] The Highland chief contrived so successfully to conceal his men, that Bruce, whose attention was fixed chiefly on Pembroke's force, found his position unexpectedly attacked by Lorn in the rear, and by the English, with whom was his own nephew, Randolph, in the front. His brother, Edward Bruce, and Sir James Douglas, were now with him; and, after making head for a short time, they divided their little force into three companies, and dispersed amongst the mountains. He trusted that he might thus have a fairer chance of escape; but the bloodhound instantly fell upon the track of the king; and the treacherous Lorn with his mountaineers had almost run him down, when the animal was transfixed by an arrow from one of the fugitives, and Bruce with great difficulty escaped.[3] In this pursuit, it is said, that with his own hand he slew five of the enemy; which, as the men of Lorn were probably half-naked and ill-armed mountaineers, who had to measure weapons with an adversary fully accoutred, and of uncommon personal strength, is in no respect unlikely to be true. Bruce, however, had the misfortune to lose his banner, which was taken by Randolph, then fighting in the ranks of the English.[4] It was an age of chivalrous adventure; the circumstances in which the king was placed when related even in the simplest manner, are marked by a deep and romantic interest; and, renouncing everything in the narrative of his almost contemporary biographer, which looks like poetical embellishment, the historian must be careful to omit no event which is consistent with the testimony of authentic writers, with the acknowledged prowess of this great man, and the character of the times in which he lived.

Not long after this adventure, Bruce attacked and put to the sword a party of two hundred English soldiers, carelessly cantoned at a small distance from the main army; and the Earl of Pembroke, after an unsuccessful skirmish

[1] Barbour, p. 122.

[2] Barbour, p. 124.

[3] Ibid. pp. 129, 132.

[4] Ibid.

in Glentruel, where the wooded and marshy nature of the country incapacitated his cavalry from acting with effect, became disgusted with his ill success, and retreated to Carlisle.[1] The king instantly came down upon the plains of Ayrshire—made himself master of the strengths of the country—and reduced the whole of Kyle, Carrick, and Cunningham, to his obedience; while Sir James Douglas, ever on the alert, attacked and discomfited Sir Philip Mowbray,[2] who, with a thousand men, was marching from Bothwell into Kyle, and with difficulty escaped to the castle of Innerkip, then held by an English garrison. By these fortunate events, the followers of Bruce were inspired with that happy confidence in his skill and courage, which, even in the very different warfare of our own days, is one principal cause of success; and he soon found his little army reinforced by such numbers, that he determined, on the first opportunity, to try his strength against the English in an open field.

Nor was this opportunity long of presenting itself. The Earl of Pembroke in the beginning of May, and soon after the defeat of Mowbray, advanced, with a body of men-at-arms into Ayrshire, and came up with the enemy at Loudon Hill. It is said that, in the spirit of the times, Pembroke challenged the Scottish king to give him battle, and that, having sent word that he intended to march by Loudon Hill, Bruce, who was then with his little army at Galston, conceiving the ground to be as favourable as could be chosen, agreed to meet him at Loudon Hill on the 10th of May. The road, at that part of Loudon Hill where he determined to wait the advance of the English, led through a piece of dry level ground about five hundred yards in breadth, which was bounded on both sides by extensive morasses; but, deeming that this open space would give the English cavalry too much room to act, he took the precaution to secure his flanks by three parallel lines of deep trenches, which he drew on either hand from the morasses to the road, leaving an interval sufficient for the movements of a battalion of six hundred spearmen, the whole available force which Bruce could then bring into the field. A rabble of ill-armed countrymen and camp-followers were stationed, with his baggage, in the rear.[3] Early in the morning, the king, who was on the watch, descried the advance of Pembroke, whose force he knew amounted to three thousand cavalry. Their appearance, with the sun gleaming upon the coat-armour of the knights, the steel harness of the horses, and the pennons and banners of various colours, waving above the wood of spears, was splendid and imposing contrasted with Bruce's small force.[4] Yet, confident in the strength of his position, he calmly awaited their attack. The result entirely justified his expectations, and proved how dreadful a weapon the long Scottish spear might be made, when skilfully directed and used against cavalry. Pembroke had divided his force into two lines; and, by his orders, the first line put their spears in rest, and charged the battalion of the Scots at full gallop. But they made no impression. The Scottish soldiers stood perfectly firm; many of the English were unhorsed and slain; and, in a short time, the first division, thrown into disorder, fell back upon the second, which in its turn, as the Scots steadily advanced with their extended spears, began to waver, to break, and at last to fly. Bruce was not slow to follow up his advantage, and completely dispersed the enemy, but without much slaughter or many prisoners, the Scots having no force in cavalry. The victory, however, had the best effect. Pembroke retired to the castle of Ayr. The Scottish army acquired

[1] Barbour, p. 149.

[2] Ibid. vol. i. p. 153. Major, with more probability, I think, calls him John Moubray. In Rymer, we meet with a John, but not with a Philip Moubray, amongst Edward's barons. Rymer, vol. i. p. 2, new edit. p. 966.

[3] The account of this battle is taken entirely from Barbour, p. 155. The English historians all allow that Pembroke was beaten, but give no particulars.

[4] Barbour, p. 157.

additional confidence; its ranks were every day recruited; and, awaking from their foolish dreams of confidence and superiority, the English began to feel and to dread the great military talents which the king had acquired during the constant perils to which he had been exposed. Only three days after the retreat of Pembroke, he attacked, and with great slaughter defeated, Ralph Monthermer, earl of Gloucester, another of Edward's captains, whom he so hotly pursued, that he compelled him to shut himself up in the castle of Ayr, to which he immediately laid siege.[1] These repeated successes greatly incensed Edward; and, although much debilitated by illness, he summoned his whole military vassals to meet him at Carlisle, three weeks after the Feast of John the Baptist, and determined to march in person against his enemies. Persuading himself that the virulence of his disease was abated, he offered up the litter, in which hitherto he had been carried, in the cathedral at Carlisle, and mounting on horseback, proceeded with his army towards Scotland. But his strength rapidly sunk. In four days he proceeded only six miles; and, after reaching the small village of Burgh-upon-Sands, he expired on the 7th of July 1307,[2] leaving the mighty projects of his ambition, and the uneasy task of opposing Bruce, to a successor whose character was in every way the opposite of his father's. The last request of the dying monarch was characteristic. He commanded that his heart should be conveyed to Jerusalem, and that his body, after having been reduced to a skeleton, by a process which, if we may credit Froissart, the king himself described,[3] should be carried along with the army into Scotland, there to remain unburied till that devoted country was entirely subdued.

Edward the Second, who succeeded to the crown of England in his twenty-fourth year, was little calculated to carry into effect the mighty designs of his predecessor. His character was weak, irresolute, and headstrong; and the first steps which he took evinced a total want of respect for the dying injunctions of his father. He committed his body to the royal sepulchre at Westminster; he recalled from banishment Piers Gaveston, his profligate favourite; and after receiving at Roxburgh the homage of some of the Scottish barons in the interest of England, he pushed forward as far as Cumnock, on the borders of Ayrshire—appointed the Earl of Pembroke Guardian of Scotland — and, without striking a blow, speedily returned into his own dominions.[4]

Upon the retreat of the English, the king and his brother, Sir Edward Bruce, at the head of a powerful army, broke in upon Galloway, and commanded the inhabitants to rise and join his banner. Where this order was disobeyed, the lands were given up to military execution; and Bruce, who had not forgotten the defeat and death of his two brothers by the men of this wild district, laid waste the country with fire and sword, and permitted every species of plunder,[5] in a

[1] Scala Chronica, p. 132. Math. Westminster, p. 458. Trivet, p. 346. Hemingford, vol. i. p. 237.

[2] Rymer, Fœd. p. 1018, vol. i. part ii. new edit. Prynne's Ed. I. p. 1202.

[3] Froissart, vol. i. chap. xxvii. When dying he made his eldest son be called, and caused him, in the presence of his barons, and invoking all the saints, to swear that, as soon as he was dead, he would boil his body in a caldron, till the flesh was separated from the bones, after which he should bury the flesh, but keep the bones; and as often as the Scots rose in rebellion against him, he should assemble his army, and carry with him the bones of his father.

[4] Hemingford, p. 238, vol. i. Tyrrel, vol. iii. p. 224. On Edward's coming to Carlisle, he was met by Patrick, earl of Dunbar, who swore homage to him. Tyrrel is in a mistake in saying he quitted King Robert's interest. He had never joined it. Hemingford erroneously states that Edward only advanced to Roxburgh, and then returned. After the death of Edward the First, we unfortunately lose the valuable and often characteristic historian, Peter Langtoft, as translated by Robert de Brunne, one of Hearne's valuable publications. Edward the Second was, on 6th August, at Dumfries; on 28th August, at Cumnock; on 30th, same month, at Tinwald and Dalgarnock. On his return south, on 4th September, at Carlisle; on 6th, at Bowes in Yorkshire.

[5] Chron. Lanercost. pp. 210, 212. Rymer Fœdera, vol. iii. p. 14.

spirit of cruel, but, according to the sentiments of that age, not unnatural retaliation.

Governed by caprice, and perpetually changing his councils, the King of England removed Pembroke from the guardianship of Scotland, and in his place appointed John de Bretagne, earl of Richmond, and nephew of the late king.[1] Full power was intrusted to him over all ranks of persons; the sheriffs of Northumberland, Cumberland, Westmoreland, and Lancashire, were commanded to assemble the whole military force of their respective counties, under the orders of the guardian; the Earl of Dunbar, Robert de Keith, Alexander de Abernethy, and several other powerful barons, as well English as Scottish, were enjoined to march along with the English army, and to rescue Galloway from the ravages of Bruce; while orders were issued to the sheriffs of London for the transporting to Berwick the provisions, military stores, and arms requisite for the troops, with certain large cross-bows, called *balistæ de turno*, employed in the attack and defence of fortified places.[2]

At the head of this army, the Earl of Richmond attacked Bruce, and compelled him to retreat to the north of Scotland.[3] His brother, Edward Bruce, the Earl of Lennox, Sir Gilbert de la Haye, and Sir Robert Boyd, accompanied the king, but Sir James Douglas remained in the south, for the purpose of reducing the forest of Selkirk and Jedburgh.[4] On reaching the Mounth, the name anciently given to that part of the Grampian chain which extends from the borders of the district called the Mearns to Loch Rannach, Bruce was joined by Sir Alexander Fraser, along with his brother, with all their power; and from them he learnt that Comyn, the Earl of Buchan, with his own nephew, Sir David de Brechin, and Sir John Mowbray, were assembling their vassals, and had determined to attack him. This news was the more unwelcome, as a grievous distemper began at this time to prey upon the king, depriving him of his strength and appetite, and for a time leaving little hopes of his recovery. As the soldiers of Bruce were greatly dispirited at the sickness of the king, Edward, his brother, deemed it prudent to avoid a battle, and entrenched himself in a strong position near Slaines, on the north coast of Aberdeenshire.

After some slight skirmishes between the archers of both armies, which ended in nothing decisive, provisions began to fail; and as the troops of Buchan daily increased, the Scots retired to Strabogy, carrying their king, who was still too weak to mount his horse, in a litter.[5] From this last station, as their royal charge began slowly to recover his strength, the Scots returned to Inverury; while the Earl of Buchan, with a body of about a thousand men, advanced to Old Meldrum, and Sir David de Brechin pushed on with a small party, and suddenly attacked and put to flight some of Robert's soldiers, carelessly cantoned in the outskirts of the town.[6] Bruce took this as a military affront, and instantly rising from his litter, called for his horse and arms. His friends remonstrated, but the king mounted on horseback, and although so weak as to be supported by two men on each side, he led on his soldiers in person, and instantly attacking the Earl of Buchan with great fury,[7] routed and dispersed his army, pursuing them

[1] Fœdera, vol. iii. p. 10.

[2] Ibid. pp. 14, 16.

[3] An anonymous MS. Chronicle, quoted by Tyrrel, vol. iii. p. 225, asserts that John of Bretagne, with an army, attacked King Robert about Martinmas, put his forces to flight, and compelled him to retreat to the bogs and mountains. No other English historian, however, records this defeat, and neither Barbour nor Fordun say a word of the matter. Ker plausibly conjectures that Robert only retreated before an army greatly superior to his own; and Barbour represents the king's expedition into the north, not as the consequence of any defeat, but as the result of a plan for the reduction of the northern parts of Scotland.

[4] Barbour, p. 162.

[5] Barbour, pp. 170, 171.

[6] Fordun a Hearne, vol. iv. p. 1004. Barbour, p. 172. It is said that the town of Inverury received its charter as a royal burgh from the king after this victory. Stat. Acc. vol. vii. p. 331.

[7] Fordun a Hearne, vol. iv. ut supra. Barbour, p. 174.

as far as Fivy, on the borders of Buchan. Brechin fled to Angus, and shut himself up in his own castle of Brechin, which was soon after besieged and taken by the Earl of Athole, whose father had been executed in England. Into Buchan, the territory of Comyn, his mortal enemy, Bruce now marched, and took ample revenge for all the injuries he had sustained, wasting it with fire, and delivering it over to unbridled military execution. Barbour informs us, that for fifty years after, men spoke with terror of the *harrying of Buchan;* and it is singular that, at this day, the oaks which are turned up in the mosses bear upon their trunks the blackened marks of being scathed with fire.[1]

The army of the king now rapidly increased, as his character for success and military talent became daily more conspicuous. His nephew, Sir David de Brechin, having been pardoned and admitted to favour, joined him about this time with his whole force; and pursuing his advantage, he laid siege to the castle of Aberdeen.[2] Edward was now at Windsor, and, alarmed at such progress, he despatched an expedition to raise the siege of Aberdeen, and commanded the different seaports to fit out a fleet, which should cooperate with his land forces. But these preparations were too late; for the citizens of Aberdeen, who had early distinguished themselves in the war of liberty, and were warmly attached to the cause, encouraged by the presence of the royal army, and assisted by some of its best leaders, assaulted and carried the castle by storm, expelled the English, and levelled the fortifications with the ground.

From Aberdeen the king held his victorious progress into Angus; and here new success awaited him, in the capture of the castle of Forfar, at this time strongly garrisoned by the English. It was taken by escalade during the night, by a soldier named Philip, the forester of Platane, who put all the English to the sword; and the king, according to his usual policy, instantly commanded the fortifications to be destroyed.[3]

The vicinity of Bruce's army now threatened the important station of Perth; and the English king, in undissembled alarm, wrote to the citizens, extolling their steady attachment to his interest, and commanding them to fortify their town against his enemies.[4] Ever varying in his councils, Edward soon after this dismissed the Earl of Richmond from his office of Governor of Scotland, and appointed in his place, as joint guardians, Robert de Umfraville, earl of Angus, William de Ross of Hamlake, and Henry de Beaumont.[5] John Comyn, earl of Buchan, and various other Scottish barons still attached to the English interest, were commanded to retain the charge of the various districts already intrusted to their care; and in order to encourage them in their attachment, the king intimated his intention of leading an army into Scotland in the month of August, and directed his chamberlain, Cotesbache, to lay in provisions for the troops; but the intended expedition never proceeded further. The orders to Cotesbache, which are contained in the Fœdera, acquaint us with an early source of Scottish wealth. Three thousand salted salmon were to be furnished to the army.[6]

Satisfied for the present with his northern successes, Bruce despatched his brother Edward into Galloway. This district continued obstinately to resist his authority, and was at present occupied by the English troops under the command of Sir Ingelram de Um-

[1] Statistical Account, vol. xi. p. 420.

[2] The battle of Inverury was fought on the 22d May 1308, and Edward's letter for the relief of Aberdeen is dated the 10th July 1308. Rotuli Scotiæ, vol. i. p. 55

[3] Barbour, p. 175. This is the same as the forest of Plater. It was not far from Finhaven; and the office of forester proves Philip to have been a man of some consequence, as, by a charter of Robert II., we find a grant of the lands of Fothnevyn (Finhaven) to Alexander de Lindesay, with the office of forester of the forest of Plater, which David de Annand resigned. Alexander de Lindesay was a baron of a noble family. Jamieson's Notes to the Bruce, p. 446.

[4] Rotuli Scotiæ, vol. i. p. 56.

[5] Ibid.

[6] Fœdera, vol. iii. p. 95.

fraville, a Scottish baron, who, in 1305, had embraced the English interest,[1] and Sir John de St John. Umfraville and St John, assisted by Donegal, or Dougal,[2] probably the same powerful chieftain who, in a former year, had defeated Bruce's brothers, collected a force of twelve hundred men, and encountered Edward Bruce at the Water of Crie. The English and the Galwegians, however, were unable to withstand the attack of the Scots. Their ranks were immediately thrown into confusion, two hundred were left dead on the field, and the rest dispersed amongst the mountains; while Umfraville, with his companion St John, with difficulty escaped to Butel, a castle on the sea-coast of Galloway.[3]

After this successful commencement, Edward Bruce overran the country, compelled the inhabitants to swear allegiance to his brother, levied heavy contributions, and had already taken and destroyed many of the castles of that wild district, when he received intelligence that John de St John was again in Galloway, at the head of fifteen hundred men. Upon his near approach, Bruce discovered, by his scouts, that it was the design of the English to make a forced march, and attack him by surprise. The courage of this brave soldier, bordering on temerity, now impelled him to an attempt, which many would have pronounced desperate. He stationed his foot soldiers in a straight valley, strongly fortified by nature,[4] and, early in the morning, under the cover of a thick mist, with fifty knights and gentlemen, well armed and mounted, he made a retrograde movement, and gained the rear of the English, without being perceived by them. Following their line of march about a bow-shot off, his intention seems to have been, to have allowed St John to attack his infantry, and then to have charged them in the rear; but before this could be effected, the mist suddenly cleared away, and Bruce's little party were discovered when retreat was impossible. In this desperate situation, Edward hesitated not to charge the English, which he did with so much fury, that their ranks were shaken, and many of their cavalry unhorsed. Before they could recover so far as to discern the insignificant numbers of their enemy, he made a second, and soon after a third charge, so sharp and well sustained, that the confusion became general and irretrievable; and believing, probably, that the Scottish troop was only the advance of a greater force, the English broke away in a panic, and were entirely routed. Sir Alan de Cathcart, one of Edward Bruce's companions in this spirited enterprise, recounted the particulars to Barbour, the affectionate biographer of Bruce, who characterises it in simple but energetic language as a right fair point of chivalry.[5] This, however, was not the only success. Donald of the Isles collecting a large force of his Galwegian infantry, and, assisted by Sir Roland of Galloway,[6]

[1] Rotuli Scotiæ, vol. i. p. 56.

[2] It seems probable that Donegal, Dongall, Donald, and Dougal are all the same name. These Macdowalls were probably descended from the Lords of the Isles, who were Lords of Galloway; and the bitter hatred which they seem to have entertained against Bruce, originated in all probability from the circumstance, that David the youngest son of Malcolm III., when he possessed Northumberland, Cumberland, Westmoreland, and the whole of Scotland south of the Forth and the Clyde, except the earldom of Dunbar, bestowed the heiress of Ananderdale, in Galloway, upon Robert de Brus, a Norman baron, and the ancestor of the royal family. The kingdom of Galloway contained Ananderdale and Carrick; and hence these proud Galwegian princes considered the Bruces from the first as strangers and intruders, who had wrested from them part of their hereditary dominions. See Macpherson's Geographical Illustrations of Scottish History, sub voce Galloway.

[3] Ker's Bruce, vol. i. p. 345

[4] "His small folk gait he ilk deil,
Withdraw thaim *till a strait tharby*,
And he raid furth with his fifty."
—Barbour, p. 183.
"Withdraw thaim till a strait tharby." Lord Hailes, and Ker, p. 346, from this expression, conclude that Bruce made his infantry cast up intrenchments. But for this there is no authority. He ordered his men merely to withdraw into a strait, or, in other words, made them take up a position in narrow ground.

[5] Barbour, p. 183.

[6] "Quendam militem nomine Rolandum." In Rymer, vol. i. new edition, part ii. p. 772, we find mention made of Rolandus Galwalen-

and other fierce chiefs of that district, made head against the royalists; but Edward Bruce, flushed with his recent victories, encountered them on the banks of the Dee, dispersed their army, with the slaughter of Roland and many of the chiefs, and in the pursuit took prisoner the Prince of the Isles.[1] This defeat, which happened on the 29th of June 1308, led to the entire expulsion of the English. It is said that in a single year this ardent and indefatigable captain besieged and took thirteen castles and inferior strengths in Galloway, and completely reduced the country under the dominion of the king.[2]

During these repeated victories of his brother, Bruce received intelligence that his indefatigable partisan, Sir James Douglas, having cut off the garrison of Douglas castle, which he had decoyed into an ambuscade, had slain the governor, Sir John de Webeton, compelled the castle to surrender, and entirely destroyed the fortifications.[3] Douglas soon after reduced to obedience the forests of Selkirk and Jedburgh; and during his warfare in those parts had the good fortune to surprise and take prisoners, Thomas Randolph, the king's nephew, and Alexander Stewart of Bonkill, both of whom were still attached to the English interest.[4] Douglas, to whom Stewart was nearly related, treated his noble prisoners with kindness, and soon after conducted Randolph to the king. "Nephew," said Bruce, "you have for a while forgotten your allegiance, but now you must be reconciled." "I have been guilty of nothing whereof I need be ashamed," answered Randolph. "You arraign my conduct; it is yourself who ought to be arraigned. Since you have chosen to defy the King of England, why is it that you debate not the matter like a true knight, in a pitched field?" "That," said Bruce, with great calmness, "may come hereafter, and it may be ere long. Meantime, since thou art so rude of speech, it is fitting thy proud words meet their due punishment, till thou knowest better my right and thine own duty." Having thus spoken, he ordered Randolph into close confinement.[5] It is pleasing to know that this lesson had its effect; for, after a short imprisonment, the young baron joined the party of the king, who created him Earl of Moray. Nor had he any reason to repent his forgiveness or generosity. Randolph soon displayed high talents for war; he became one of the most illustrious of Bruce's assistants in the liberation of his country, and ever after served his royal master with unshaken fidelity.

The king had never forgotten the attack made upon him by the Lord of Lorn, soon after the defeat at Methven, and he was now able to requite that fierce chief for the extremities to which he had then reduced him. Accordingly, after the junction of Douglas with his veteran soldiers, he invaded the territory of Lorn, and arrived at a narrow and dangerous pass, which runs along the bottom of Cruachin Ben, a high and rugged mountain between Loch Awe and Loch Etive. The common people of Scotland were now, without much exception, on the side of Bruce; and although, in many districts, when kept down by their lords, they dared not join him openly, yet in conveying intelligence of the motions and intentions of his enemies, they were of essential service to the cause. In this manner he seems to have been informed that an ambuscade had been laid for him by the men of Lorn, in the Pass of Cruachin Ben, through which he intended to march. The Lord of Lorn himself remained with his galleys in Loch Etive, and waited the result. The nature of the ground was highly favourable for this design of Lorn; but it was entirely defeated by the dispositions of Bruce. Having

s's Dominus. This Roland may have been the grandson of Roland, prince of Galloway.

[1] Fordun a Hearne, p. 1005.

[2] Barbour, p. 186.

[3] Barbour, pp. 163, 164. I conjecture that the baron, whom Barbour calls Sir John of Webeton, was Johannes de Wanton, one of Edward's barons, mentioned in Rymer, vol. 1. p. 630, new edition.

[4] Barbour, pp. 187, 188.

[5] Barbour, p. 189.

divided his army into two parts, he ordered Douglas, along with one division, consisting entirely of archers, who were lightly armed, to make a circuit round the mountain, and to take possession of the rugged high ground above the Highlanders. Along with Douglas were Sir Andrew Gray, Sir Alexander Fraser, and Sir William Wiseman. This manœuvre was executed with complete success; and the king, having entered the pass, was, in its narrow gorge, immediately attacked by the men of Lorn, who, with loud shouts, hurled down stones upon him, and after discharging their missiles, rushed on to a nearer attack. But their opponents, whose soldiers were light-armed, and prepared for what occurred, met his enemies more than half-way; and, not content with receiving their charge, assaulted them with great fury. Meanwhile Douglas had gained the high ground, and discharging a shower of arrows, attacked the Highlanders in the rear, and threw them into complete disorder. After a stout resistance, the men of Lorn were defeated with great slaughter; and their chief, the Lord of Lorn, had the mortification, from his galleys, to be an eye-witness of the utter rout of his army.[1]

He immediately fled to his castle of Dunstaffnage; and Bruce, after having ravaged the territory of Lorn, and delivered it to indiscriminate plunder, laid close siege to this palace of the Island Prince, which was strongly situated upon the sea-coast. In a short time the Lord of Lorn surrendered his castle, and swore homage to the king; but his son, John of Lorn, fled to his ships, and continued in the service of England.[2]

Whilst everything went thus successfully in the field, the Scottish king derived great advantage from the fluctuating and capricious line of policy which was pursued by his opponent. In less than a year Edward appointed six different governors in Scotland;[3] and to none of these persons, however high their talents, was there afforded sufficient time to organise, or carry into effect, any regular plan of military operations. His enemy, on the other hand, betrayed no want of activity, and about this time laid siege to Rutherglen, in Clydesdale—a castle considered of such importance by Edward that he despatched Gilbert de Clare, earl of Gloucester, with a strong force, to raise the siege; but either the expedition never departed, or it was too late in its arrival; for Rutherglen, in the beginning of the next year, appears to have been one of the castles in the hands of the Scots.[4] Indeed, Edward's measures seem to have mostly evaporated in orders and preparations, whilst he himself, occupied with the pleasures of the court, and engrossed by his infatuated fondness for his favourite, Piers Gaveston, dreamt little of taking the field. Alarmed at last by the near approach of the Scottish army to the English border, he consented to accept the mediation of Philip, king of France, who despatched Oliver de Roches to treat with Bruce, and Lamberton, bishop of St Andrews, upon measures preparatory to a reconciliation. This able and intriguing prelate, on renewing his homage to the English king, had been liberated from his imprisonment, and permitted to return to Scotland; but his fellow-prisoner, Wishart, the bishop of Glasgow, considered too devoted to his country, was still kept in close confinement. De Roches' negotiation was soon followed by the arrival of the king's brother, Lewis, count of Evreux, and Guy, bishop of Soissons, as ambassadors, earnestly persuading to peace; commissioners from both countries were in consequence appointed, and a truce was concluded, which, if we

[1] Barbour, pp. 191, 192. 23d August 1308.

[2] Ibid. p. 192. Fordun a Hearne, p. 1005. Fordun says that Alexander of Argyle fled to England, where he soon after died, and Lord Hailes follows his narrative; but it is contradicted by Barbour, who is an earlier authority than Fordun. John of Argyle was with his men and his ships in the service of Edward the Second on 4th October 1308. Rotuli Scotiæ, m. 13, p. 58.

[3] Rymer, Fœdera, vol. iii. pp. 94, 160, 161. This last deed ought to have been dated 16th August 1308, instead of 1309.

[4] Rotuli Scotiæ, m. 12, p. 60. See Notes and Illustrations, letter Z.

may believe Edward, was ill observed by the Scots.[1] A trifling discovery of an intercepted letter clearly shewed that the King of France secretly favoured the Scottish king. The Sieur de Varrennes, Philip's ambassador at the English court, openly sent a letter to Bruce under the title of the Earl of Carrick; but he intrusted to the same bearer secret despatches, which were addressed to the King of Scots. Edward dissembled his indignation, and contented himself with a complaint against the duplicity of such conduct.[2]

Nearly a whole year after this appears to have been spent by this monarch in a vacillating and contradictory policy with regard to Scotland, which was calculated to give every advantage to so able an adversary as Bruce. Orders for the muster of his army, which were disobeyed by some of his most powerful barons—commissions to his generals to proceed against his enemies, which were countermanded, or never acted upon—promises to take the field in person, which were broken almost as soon as made—directions, at one time, to his lieutenant in Scotland to prosecute the war with the greatest vigour, and these in a few days succeeded by a command to conclude, and even, if required, to purchase a truce;[3]—such is the picture of the imbecility of the English king, as presented by the public records of the time.

To this everything in Scotland offered a striking contrast. Towards the end of the year 1309, on the 24th February, the prelates and clergy of Scotland held a general council at Dundee, and declared that Robert, lord of Annandale, the competitor, ought, by the ancient laws and customs of that country, to have been preferred to Baliol in the competition for the crown; for which reason, they unanimously recognised Robert Bruce, then reigning, as their lawful sovereign. They engaged to defend his right, with the liberties and independence of Scotland, against all opponents; and they declared all who should contravene the same to be guilty of treason against the king and the nation.[4] It seems probable that these resolutions of the clergy were connected with the deliberations of a parliament which assembled at the same time, and in which an instrument of similar import was drawn up and signed by the two remaining Estates, although no record of such proceedings remains. These solemn transactions gave strength to the title of Bruce, and increased a popularity which was already great. The spirit of the king had infused itself into the nobility, and pervaded the lowest ranks of the people—that feeling of superiority, which a great military commander invariably communicates to his soldiers, evinced itself in constant and destructive aggressions upon the English marches; and upon the recall of the Earl of Hereford and Lord Robert Clifford from the interior of Scotland, they were necessitated to advance a sum of money before their enemies would consent to a truce.[5] On the resumption of hostilities, Bruce advanced upon Perth, and threatened it with a siege. This town had been strongly fortified by the English, and was intrusted to John Fitz-Marmaduke and a powerful garrison. Edward was at last roused into personal activity. He ordered a fleet to sail to the Tay—he issued writs for levies of troops for its instant relief[6]—and he commanded his whole military vassals to assemble at Berwick on the 8th of September, to proceed immediately against his enemies. Disgusted with the presence of his favourite, Gaveston, some of the great

[1] Rymer, vol. iii. p. 147, 30th July 1309. Tyrrel asserts, vol. iii. p. 235, that the Scots broke the truce at the instigation of the King of France, but does not give his authority.

[2] Rymer, vol. iii. p. 150. The King of France himself, in writing to Edward, speaks of the "King of Scots and his subjects." Fœdera, vol. iii. p. 215.

[3] Hemingford, vol. i. p. 246. Rotuli Scotiæ, vol. i. p. 71.

[4] Instrument in the General Register House, Edinburgh.

[5] Hemingford, ut supra. Rotuli Scotiæ, vol. i. p. 80. The truce was to last till Christmas, and was afterwards prolonged till Midsummer. Tyrrel, vol. iii. p. 235.

[6] Rotuli Scotiæ, vol. i. pp. 83, 84.

barons refused to repair in person to the royal standard; yet a powerful army assembled, and the Earls of Gloucester and Warrene, Lord Henry Percy, Lord James Clifford, and many other nobles and barons, were in the field.[1] With this great force, Edward, in the end of autumn, invaded Scotland; and Bruce, profiting by the lessons of former years, and recollecting the disastrous defeats of Falkirk and Dunbar, avoided a battle. It happened that Scotland was this year visited by a famine unprecedentedly severe; and the king, after driving away the herds and flocks into the narrow straits and valleys, retired, on the approach of the English, to the woods, and patiently awaited the distress which he knew the scarcity of forage and provisions must entail upon the enemy. The English king marched on from Roxburgh, through the forests of Selkirk and Jedburgh to Biggar, looking in vain for an opponent. From this he penetrated to Renfrew,[2] and, with a weak and injudicious vengeance, burnt and laid waste the country, so that the heavy-armed cavalry, which formed the strength of his army, soon began to be in grievous distress; and, without a single occurrence of moment, he was compelled to order a retreat, and return to Berwick, where he spent the winter. Upon the retreat of the English, Bruce and his soldiers, leaving their fastnesses, broke down upon Lothian;[3] and Edward, hearing of the reappearance of his enemies, with a great part of his forces again entered Scotland; but this second expedition concluded in the same unsatisfactory manner; whilst a third army, equally formidable in its numbers and equipment, which was intrusted to his favourite, the Earl of Cornwall, penetrated across the Firth of Forth, advanced to Perth, and for some time anxiously endeavoured to find an enemy;[4] but the Scots pursued their usual policy, and Gaveston returned with the barren glory of having marched over a country where there was no one to oppose him.[5] A fourth expedition, conducted by the Earls of Gloucester and Surrey, penetrated into Scotland by a different route, marched into the forest of Selkirk, and again reduced that province under a short-lived obedience to England.[6]

On the return of the English king to London, Robert collected an army, and gratified his soldiers, who had so long smarted under oppression, by an invasion of that country on the side of the Solway, in which he burnt and plundered the district round Gillsland, ravaged Tynedale, and, after eight days' havoc, returned with much booty into Scotland. Edward, in a letter to the Pope, complained in bitter terms of the merciless spirit evinced by the Scottish army during this invasion;[7] but we must recollect that this cruel species of warfare was characteristic of the age; and in Robert, whose personal injuries were so deep and grievous, who had seen the captivity of his queen and only child, and the death and torture of his dearest relatives and friends, we are not to be surprised if, in those dark days, revenge became a pleasure, and retaliation a duty. Not satisfied with this, and aware that the English king was exclusively engaged in contentions with his barons, Bruce and his army, in the beginning of September, again entered England by the district of Redesdale, carried fire and sword through that country as far as Corbridge, then broke with much fierceness and rapacity into Tynedale,[8] ravaged the bishopric of Durham, and, after levying contributions for fifteen days, and enriching themselves

[1] Hemingford, vol. i. p. 247.

[2] Ker is in an error in asserting that there is no evidence of Edward's having penetrated to Renfrew. The proof is in the Rotuli Scotiæ, vol. i. p. 103.

[3] Chron. Lanercost, p. 214.

[4] Chron. Lanercost, p. 214, ut supra.

[5] Hemingford, vol. i. p. 248.

[6] Chron. de Lanercost, ut supra. Lord Hailes, vol. ii. 4to, p 31, has omitted these three last-mentioned expeditions.

[7] Fœdera, vol. iii. p. 284. The expedition, according to the Chronicle of Lanercost, p. 216, took place in the middle of August.

[8] Edward, in his epistle to the Pope, compares them to foxes. Rymer's Fœdera, vol. iii. p. 283. "Ad instar vulpium."

with spoils and captives, marched back without opposition into Scotland.[1] The miseries suffered from these invasions, and the defenceless state of the frontier, induced the people of Northumberland and the lord marchers to purchase a short truce from the Scottish king,—a circumstance strongly indicative of the increasing imbecility of the English government.[2]

On his return, Bruce determined to besiege Perth, and sat down before it; but, owing to the strength of the fortifications, it defied for six weeks all the efforts of his army. It had been intrusted to the command of William Olifant, an Anglicised Scot, to whom Edward, in alarm for so important a post, had promised to send speedy succour;[3] but a stratagem of the king's, well planned and daringly executed, gave Perth into the hands of the Scots before such assistance could arrive. The care of Edward the First had made Perth a place of great strength. It was fortified by a high wall, defended at intervals by stone towers, and surrounded by a broad deep moat full of water. Bruce, having carefully observed the place where the fosse was shallowest, provided scaling ladders, struck his tents, and raised the siege. He then marched to a considerable distance, and having cheated the garrison into insecurity by an absence of eight days, he suddenly returned during the night, and reached the walls undiscovered by the enemy. The king in person led his soldiers across the moat, bearing a ladder in his hand, and armed at all points. The water reached his throat; but he felt his way with his spear, waded through in safety, and was the second person who fixed his ladder and mounted the wall. A little incident, related by Barbour, evinces the spirit which the example communicated to his companions, and the comparative poverty of the Scottish towns in those times. A French knight was present in the Scottish army, and observing the intrepidity with which Bruce led his soldiers, he exclaimed, "What shall we say of our French lords, who live at ease in the midst of feasting, wassail, and jollity, when so brave a knight is here putting his life in hazard to win a miserable hamlet![4]" So saying, he threw himself into the water with the gay valour of his nation, and having passed the ditch, scaled the walls along with the king and his soldiers. So complete was the surprise, that the town was almost instantly taken. Every Scotsman who had joined the English interest was put to the sword, but the English garrison were spared,[5] and the king contented himself with the plunder of the place and the total demolition of its fortifications.

In the midst of these continued successes of Bruce, the measures of the English king presented a striking contrast to the energetic administration of his father. They were entirely on the defensive. He gave orders, indeed, for the assembling of an army, and made promises and preparation for an invasion of Scotland. But the orders were recalled, and Edward, engrossed by disputes with his barons, took no decided part against the enemy. He wrote, however, to the different English governors of the few remaining castles in Scotland, who had represented their incapacity of standing out against the attacks of the Scots without a reinforcement of men, money, and provisions;[6] he directed flattering letters to John of Argyle, the island prince, praising him for the annoyance which his fleet had occasioned to Bruce, and exhorting him to continue his services during the winter; and he entreated the Pope to retain Wishart, bishop of Glasgow, as a false traitor and an

[1] Fœdera, vol. iii. p. 283. Fordun a Hearne, vol. iv. p. 1006.

[2] Chron. Lanercost, pp. 216, 217.

[3] Rotuli Scotiæ, vol. i. p. 105. 9th October 1311.

[4] Barbour, vol. i. p. 177.

[5] Chron. Lanercost, pp. 221, 222. Such is the account in the above MS. Chronicle; but Fordun a Hearne, p. 1006, affirms that both Scots and English were put to the sword. The town was taken on the 8th January 1311-12.

[6] Rotuli Scotiæ, vol. i. p. 106.

enemy to his liege lord of England, in an honourable imprisonment at Rome,[1] fearful of the influence in favour of Bruce which the return of this able prelate to Scotland might occasion. These feeble efforts were followed up by an attempt to conclude a truce; but the King of Scotland, eager to pursue his career of success, refused to accede[2] to the proposal, and a third time invaded England, with a greater force and a more desolating fury than before. The towns of Hexham and Corbridge were burnt; and his army, by a forced march, surprised the opulent city of Durham during the night,[3] slew all who resisted him, and reduced a great part of it to ashes. The castle and the precincts of its noble cathedral withstood the efforts of the Scots, but the rest of the city was entirely sacked; and so great was the spoil that the inhabitants of the bishopric, dreading the repetition of such a visit, offered two thousand pounds to purchase a truce. The terms upon which Robert agreed to this strongly evinced the change which had taken place in the relative position of the two countries. It was stipulated by the Scots that they should have free ingress and egress through the county of Durham, whenever they chose to invade England; and with such terror did this proviso affect the inhabitants of the neighbouring country, that the counties of Northumberland, Cumberland, and Westmoreland contributed each a sum of two thousand pounds to be included in the same truce.[4] During this invasion Bruce established his headquarters at Chester, while Sir James Douglas, with his veteran soldiers, who were well practised in such expeditions, pushed on, and having sacked Hartlepool and the country round it, returned with many burgesses and their wives, whom he had made prisoners, to the main army.[5] Thus enriched with a store of prisoners and plunder, the king returned to Scotland, and on his road thither assaulted Carlisle; but he found the garrison on the alert, and a desperate conflict took place, in which the Scots were beat back with great loss,—Douglas himself and many of his men being wounded.[6] This want of success did not prevent him from endeavouring to surprise Berwick by a forced march and a night attack, which had nearly succeeded. The hooks of the rope-ladders were already fixed on the wall, and the soldiers had begun to mount, when the barking of a dog alarmed the garrison, and the assailants were compelled to retire with loss.[7]

On his return to Scotland, King Robert was repaid for his partial discomfiture by the recovery of some important castles. Dalswinton, in Galloway, the chief residence of his enemies the Comyns, and, soon after, the castles of Butel and of Dumfries, which last had been committed to the care of Henry de Beaumont, were taken by assault, and, according to the constant practice of Bruce, immediately razed and rendered untenable by any military force.[8] Edward now trembled for his strong castle of Caerlaverock, which had cost his father so long a siege; and he wrote with great anxiety to its constable, Eustace de Maxwell, exhorting him to adopt every means in his power for its defence. In the winter of the same year, this monarch was driven to some mean compromises of his honour. The English garrison of Dundee had been so hard pressed by the Scots, that William de Montfichet, the warden,

[1] Fœdera, vol. iii. p. 245.

[2] Ibid. p. 301.

[3] Hemingford, vol. i. p. 262. Chron. Lanercost, p. 220.

[4] Chron. Lanercost, p. 220.

[5] Hemingford, vol. i. p. 262. "Bruce was here only making a reprisal on his own English property. He had at Hartlepool, market and fair, assize of bread and victual, also a seaport where he takes keel dues."—Hutchinson's History of Durham, pp. 234, 246.

[6] Hemingford, vol. i. p. 262.

[7] Chron. Lanercost, p. 221. Lord Hailes, vol. ii. p. 36, and Ker, vol. i. p. 404, have fallen into an error in describing Bruce as having only "threatened to besiege Berwick." Nor have either of these historians taken notice of his attempt upon Carlisle. Berwick was assaulted in December 1312. M. Malmesbury, vita Ed. II. p. 145.

[8] Fordun a Hearne, vol. iv. p. 1006.

entered into a treaty to surrender the place, and give up a number of Scottish prisoners within a stipulated time. Edward was then at York, and having heard of this agreement, he sent peremptory orders to the warden to violate the truce, and, under the penalty of death to himself and confiscation of his estates, to preserve the town by this flagrant act. Montfichet was also enjoined to warn the Scots, that if any of the English prisoners or hostages should be put to death, orders would be given for the immediate execution of all the Scottish prisoners in the hands of the English. In addition to this, the king addressed flattering letters to the several officers of the garrison of Dundee, and to the mayor, bailiffs, and community, thanking them for their good service, and exhorting them to persevere in the defence of the town. It is mortifying to find Sir David de Brechin, the king's nephew, who had signalised himself against his uncle in his days of distress, and, when afterwards made prisoner, had been pardoned and received into favour, again in the ranks of the enemy, and acting the part of an Anglicised Scot. He was now commanded to co-operate as joint-warden with Montfichet, and earnest orders were despatched for reinforcements of ships, provisions, and soldiers, to be sent from Newcastle and Berwick.[1]

The heroic spirit of Bruce had now transfused itself into the peasantry of the country; and the king began to reap the fruits of this popular spirit, in the capture of the castle of Linlithgow, by a common labourer. His name was Binny, and being known to the garrison, and employed by them in leading hay into the fort, he communicated his design to a party of Scottish soldiers, whom he stationed in ambush near the gate. In his large wain he contrived to conceal eight armed men, covered with a load of hay; a servant drove the oxen, and Binny himself walked carelessly at his side. When the portcullis was raised, and the wain stood in the middle of the gateway, interposing a complete barrier to its descent, the driver cut the ropes which harnessed the oxen; upon which signal the armed men suddenly leaped from the cart, the soldiers in ambush rushed in, and so complete was the surprise, that with little resistance the garrison were put to the sword, and the place taken. Bruce amply rewarded the brave countryman, and ordered the castle and its strong outworks, constructed by Edward I., to be immediately demolished.[2]

Edward had committed the charge of the castle of Roxburgh, a post of the utmost importance, to a Burgundian knight, Gillemin de Fiennes. On Fasten's Even, immediately before Lent, when the soldiers and officers of the garrison were carelessly carousing, Sir James Douglas, with about sixty soldiers, favoured by a dark night, and concealed by black frocks thrown over their armour, cautiously approached the castle, creeping on their hands and feet through the trees which studded the park. They at last approached in this way so near that they could overhear the talk of the sentinels, one of whom observed them moving; and, deceived by the darkness, remarked to his fellow that yonder oxen were late left out. Relieved by this fortunate mistake, Douglas and his men continued their painful progress, and at length succeeded in reaching the foot of the walls, and fixing their ladders of rope, without being discovered. They could not, however, mount so quietly, but that the nearest watch on the outer wall overheard the noise, and ran to meet them. All was like to be lost; but by this time the first Scots soldier had mounted the parapet, who instantly stabbed the sentry, and threw him over, before he had time to give the alarm. Another sentinel shared the fate of the first; and so

[1] Rotuli Scotiæ, vol. i. p. 108. 2d March 1311-12.

[2] Lord Hailes, following Barbour, p. 196, and Ker, following Lord Hailes, place the capture of Linlithgow in the year 1311. Yet it appears, by the Rotuli Scotiæ, that the peel, or castle of Linlithgow, was in possession of the English in February 1312-13.

intent were the garrison upon their midnight sports, that the terrible cry of "Douglas! Douglas!" shouted into the great hall was the first thing which broke off the revels. In a moment the scene was changed from mirth into a dreadful carnage; but resistance soon became hopeless, and Douglas gave quarter. De Fiennes retreated to the great tower, and gallantly defended himself, till a deep wound in the face compelled him to surrender.[1] He retired to England, and died of his wounds soon after. Bruce immediately sent his brother Edward, who levelled the works, and reduced the rest of Teviotdale, with the exception of Jedburgh, which was still garrisoned by the English.

At this time Randolph, earl of Moray, had strictly invested the castle of Edinburgh, which for twenty years had been in the possession of England, and was now commanded by Sir Piers de Luband, a Gascon knight, and a relative of Gaveston, the English king's favourite.[2] The garrison suspected the fidelity of this foreigner, and, having cast him into a dungeon, chose a constable of their own nation, who determined to defend the place to the last extremity. Already had the Scots spent six weeks in the siege, when an English soldier, of the name of Frank, presented himself to Randolph, and informed him he could point out a place where he had himself often scaled the wall, and by which he undertook to lead his men into the castle. This man, in his youth, when stationed in the castle, had become enamoured of a girl in the neighbourhood, and for the purpose of meeting her, had discovered a way up and down the perilous cliff, with which custom had rendered him familiar; and Randolph, with thirty determined men, fully armed, placed themselves under his direction, and resolved to scale the castle at midnight.[3] The surprise, however, was not nearly so complete as at Roxburgh, and the affair far more severely contested. Besides, Randolph had only half the number of men with Douglas, the access was far more difficult, and the night was so dark, that the task of climbing the rock became extremely dangerous. They persevered, nevertheless, and, on getting about half-way up, found a jutting crag, on which they sat down to take breath. The wall was now immediately above them; and it happened that the check-watches, at this time, were making their round, and challenging the sentinels, whilst Randolph and his soldiers could hear all that passed. At this critical moment, whether from accident, or that one of the watch had really perceived something moving on the rock, a soldier cast a stone down towards the spot where Randolph sat, and called out—"Away! I see you well." But the Scots lay still, the watch moved on, and Randolph and his men waited till they had gone to some distance. They then got up, and clambering to the bottom of the wall, at a place where it was only twelve feet in height, fixed the iron crochet of their rope ladder on the crib-stone.[4] Frank was the first who mounted, then followed Sir Andrew Gray, next came Randolph himself, who was followed by the rest of the party. Before, however, all had got up, the sentinels, who had heard whispering and the clank of arms, attacked them, and shouted "Treason!" They were soon, however, repulsed or slain; and the Scots, by this time on the parapet, leapt down, and rushed on to the keep, or principal strength. The whole garrison was now in arms, and a desperate conflict ensued, in which the English greatly outnumbered their assailants. But panic and surprise deprived them of their accustomed bravery; and, although the governor himself made a gallant defence, he was overpowered and slain, and his garrison immediately surrendered at discretion. Randolph liberated Sir Piers Luband from his dungeon, and the Gascon knight immediately entered the service

[1] Barbour, pp. 202, 203.
[2] Monachi Malmesburiensis Vita Edwardi II., p. 144.
[3] Barbour, p. 205.
[4] Barbour, pp. 207, 208.

of Bruce. The castle itself shared the fate of every fortress which fell into the hands of the Scottish king. It was instantly demolished, and rendered incapable of military occupation. If we consider the small number of men which he led, and the difficult circumstances in which the assault was made, we shall probably be inclined to agree with the faithful old historian, who characterises this exploit of Randolph as one of the hardiest and most chivalrous which distinguished a chivalrous age.[1]

These great successes so rapidly succeeding each other, and an invasion of Cumberland, which soon after followed, made the English king tremble for the safety of Berwick, and induced him to remove the unfortunate Countess of Buchan from her imprisonment there, to a place of more remote confinement. The conferences for a cessation of hostilities were again renewed, at the request of the French king; and Edward ostentatiously talked of granting a truce to his enemies, in compliance with the wishes of Philip,[2] which, when it came to the point, his enemies would not grant to him.

Soon after this, the King of Scotland conducted, in person, a naval expedition against Man. To this island his bitter enemies, the Macdowalls, had retreated, after their expulsion from Galloway, their ancient principality; and the then Governor of Man appears to have been that same fierce chief who had surprised Thomas and Alexander Bruce at Loch Ryan. Bruce landed his troops, encountered and routed the governor, stormed the castle of Russin, and completely subdued the island.[3] He then despatched some galleys to levy contributions in Ulster, and returned to Scotland, where he found that his gallant and impetuous brother, Sir Edward Bruce, had made himself master of the town and castle of Dundee, for the preservation of which so many exertions had been made in a former year. After this success, Sir Edward laid siege to the castle of Stirling, nearly the last fortress of importance which now stood between Scotland and freedom. Its governor, Philip de Mowbray, after a long and successful defence, had begun to dread the failure of provisions in the garrison, and made overtures for a treaty, in which he agreed to surrender the castle by the ensuing midsummer, if not relieved by an English army. This was evidently a truce involving conditions which ought on no account to have been accepted. Its necessary effect, if agreed to, was to check the ardour of the Scots in that career of success which was now rapidly leading to the complete deliverance of their country; it gave the King of England a whole year to assemble the strength of his dominions; and such were the chivalrous feelings of that age, as to agreements of this nature, that it compelled the King of Scotland to hazard the fortunes of his kingdom upon the issue of a battle, which he knew must be fought on his side with a great disparity of force. We need not wonder, then, that Bruce was highly incensed on hearing that, without consulting him, his brother had agreed to Mowbray's proposals. He disdained, however, to imitate the conduct of Edward, who, in a former year, and in circumstances precisely similar, had infringed the treaty of Dundee;[4] and keeping his word unbroken, he resolved, at all hazards, to meet the English on the appointed day.[5]

Edward, having obtained a partial reconciliation with his discontented barons, made immense preparations for the succour of the fortress of Stirling. He summoned the whole military force of his kingdoms to me-

[1] Barbour, pp. 207, 212. In Tyrrel, vol. iii. p. 259, it is said, on the authority of Scala Chronicon, that the foreigners to whom the Scottish castles were committed would hazard nothing in their defence,—an erroneous assertion, and arising out of national mortification.

[2] Rymer, Fœd. vol. iii. p. 411.

[3] Fordun a Hearne, vol. iv. p. 1007. 11th June 1313. In the Chron. of Man he is called Dingaway Dowill. In the Annals of Ireland he is called the Lord Donegan Odowill.

[4] Rotuli Scotiæ, vol. i. p. 108.

[5] Barbour, pp. 216, 217.

him at Berwick on the 11th of June.[1] To this general muster ninety-three barons, comprehending the whole body of the great vassals of the crown, were commanded to repair with horse and arms, and their entire feudal service; whilst the different counties in England and Wales were ordered to raise a body of twenty-seven thousand foot soldiers; and although Hume, mistaking the evidence of the original record, has imagined that the numbers of this army have been exaggerated by Barbour, it is certain that the accumulated strength which the king commanded exceeded a hundred thousand men, including a body of forty thousand cavalry, of which three thousand were, both horse and man, in complete armour, and a force of fifty thousand archers. He now appointed the Earl of Pembroke, a nobleman experienced, under his father, in the wars of Scotland, to be governor of that country, and despatched him thither to make preparations for his own arrival. He ordered a fleet of twenty-three vessels to be assembled for the invasion of Scotland;[2] in addition to these, he directed letters to the mayor and authorities of the various seaport towns, enjoining them to fit out an additional fleet of thirty ships; and of this united armament he appointed John Sturmy and Peter Bard to have the command.[3] He directed letters to O'Connor, prince of Connaught, and twenty-five other Irish native chiefs, requiring them to place themselves, with all the military force which they could collect, under the orders of Richard de Burgh, earl of Ulster, and to join the army at the muster; he made the same demand upon the English barons who possessed estates in Ireland. He requested the Bishop of Constance to send him a body of sixty mounted cross-bowmen. He took care that store of provisions for the troops, and forage for the cavalry, should be collected from all quarters; he placed his victualling department under strict organisation; he appointed John of Argyle, who, probably, had no inconsiderable fleet of his own, to co-operate with the English armament, with the title of High Admiral of the western fleet of England;[4] and he took care that the army should be provided with all kinds of useful artisans—smiths, carpenters, masons, armourers—and supplied with waggons and cars for the transport of the tents, pavilions, and baggage, which so large a military array necessarily included. The various writs, and multifarious orders, connected with the summoning and organisation of the army of England, which fought at Bannockburn, are still preserved, and may be seen in their minutest details; and they prove that it far exceeded, not only in numbers but in equipment, any army which was ever led by any former monarch against Scotland.[5]

With this great force, Edward prepared to take the field, and having first made a pilgrimage with his queen and the Prince of Wales to St Albans, and with the accustomed offerings requested the prayers of the Church, he held his way through Lincolnshire to York and Newcastle, and met his army at Berwick. He here found that the Earls of Warrene, Lancaster, Arundel, and Warwick refused to attend him in person, alleging that he had broken his word given to the lord ordinars; but they sent their feudal services, and the rest of the nobility mustered, without any absentees, and with great splendour; so that the monarch having reviewed his troops, began his march for Scotland in high spirits, and with confident anticipations of victory.

Meanwhile, Bruce, aware of the

[1] Rymer, Fœdera, vol. iii. pp. 463, 464. The writs, summoning the great feudal force of his kingdom—namely, the cavalry—are directed to ninety-three barons. See Notes and Illustrations, letters AA.

[2] Rotuli Scotiæ, vol. i. pp. 116, 119. 7 Ed. II., m. 8. 18th March 1313-14. The writs are directed to twenty-three captains of vessels, of which the names are given. We have "the James, the Mary, the Blyth, the St Peter," &c.

[3] Rotuli Scotiæ, vol. i. p. 115. 12th March 1313.

[4] Rotuli Scotiæ, p. 121, m. 7, p. 129. 25th March 1313-14.

[5] Ibid. 7 Ed. II., vol. i. passim.

mighty force which was advancing against him, had not been idle. He appointed a general muster of his whole army in the Torwood, near Stirling,[1] and here he found that the greatest force which could be collected did not amount to forty thousand fighting men; and that the small body of cavalry which he had could not be expected to compete for a moment, either in the temper of their arms, or the strength of their horses, with the heavy cavalry of the English. He at once, therefore, resolved to fight on foot,[2] and to draw up his army in ground where cavalry could not act with effect, and where the English, from their immense numbers, would be cramped and confined in their movements. For this purpose he chose a field not far from Stirling, which was then called the New Park. It was studded and encumbered with trees, and the approach to it was protected by a morass, the passage of which would be dangerous to an enemy.[3] Bruce, having carefully examined the ground, determined that his right wing should rest on the rivulet called Bannockburn, whose broken and wooded banks afforded him an excellent security against being outflanked. His front extended to a village called St Ninians; and his left wing, which was unprotected by the nature of the ground, was exposed to the garrison of Stirling in the rear—a dangerous position, had not the terms of the treaty with the governor precluded attack from that quarter. But Bruce did not leave the defence of his left to this negative security; for in a field hard by, so firm and level that it afforded favourable ground for cavalry, he caused many rows of parallel pits to be dug, a foot in breadth, and about three feet deep. In these pits he placed pointed stakes, with a number of sharp iron weapons, called in Scotland *calthrops*, and covered them carefully with sod, so that the ground, apparently level, was rendered impassable to horse.[4] It does not appear, however, that the English cavalry attempted to charge over this ground, although, in the subsequent dispersion of the army, many lost their lives in the pits and ditches.[5]

Having thus judiciously availed himself of every circumstance, the king reviewed his troops, welcomed all courteously, and declared himself well satisfied with their appearance and equipment. The principal leaders of the Scottish army were Sir Edward Bruce, the king's brother, Sir James Douglas, Randolph, earl of Moray, and Walter, the High Steward of Scotland. These, with the exception of the last, who was still a youth, were experienced and veteran leaders, who had been long trained up in war, and upon whom their master could place entire reliance; and having fully explained to them his intended order of battle, the king waited in great tranquillity for the approach of the enemy.

Soon after word was brought that the English army had lain all night at Edinburgh. This was on Saturday evening, the 22d of June, and early in the morning of Sunday the soldiers heard mass. It was stated by the contemporary historians that they confessed themselves with the solemnity of men who were resolved to die in that field, or to free their country; and as it was the vigil of St John, they took no dinner, but kept their fast on bread and water. Meanwhile the king, on Sunday, after hearing mass, rode out to examine the pits which had been made, and to see that his orders had been duly executed. Having satisfied himself, he returned, and commanded his soldiers to arm This order was promptly obeyed; and all cheerfully arrayed themselves under their different banners. Bruce then caused proclamation to be made that all who did not feel fully resolved to win the field or to die with honour had at that moment free liberty to

[1] Barbour, p. 221.

[2] The Scala Chron., p. 142, says that Bruce determined to fight on foot, after the example of the Flemish troops, who a little before this had discomfited the power of France at the battle of Coutray. The same allusion to Coutray is made by the Monk of Malmesbury p. 152.

[3] Barbour, pp. 223, 224.

[4] Barbour, p. 226, l. 365.

[5] Fordun a Good l, vol. ii. p. 246.

leave the army; but the soldiers raised a great shout, and answered with one accord that they were determined to abide the enemy.[1]

The baggage of the army was placed in a valley at some distance in the rear, and the sutlers and camp-followers, who amounted nearly to twenty thousand, were stationed beside it, and commanded to await the result of the battle. They were separated from the army by a small hill, which is yet called the Gilles, or Gillies' Hill.

The king now arranged his army in a line consisting of three square columns, or battles, of which he intrusted the command of the vaward, or centre, to the Earl of Moray. His brother Edward led the right, and the left was given to Sir James Douglas and Walter, the Steward of Scotland.[2] He himself took the command of the reserve, which formed a fourth battle, drawn up immediately behind the centre, and composed of the men of Argyle, Carrick, Kantire, and the Isles. Along with him was Angus of Islay, with the men of Bute; and he had also under his command a body of five hundred cavalry, fully armed, and mounted on light and active horses.

Having thus disposed his order of battle, the king despatched Sir James Douglas and Sir Robert Keith to reconnoitre, who soon after returned with the news that they descried the English host advancing in great strength, and making a very martial appearance. For this intelligence Bruce was well prepared; yet, dreading its effect upon his soldiers, he directed them to give out to the army that the enemy, though numerous, were advancing in confused and ill-arranged order.[3]

Although this was not exactly the case, the rash character of Edward led him to commit some errors in the disposal of his troops, which led to fatal consequences. He had hurried on to Scotland with such rapidity that the horses were worn out with travel and want of food, and the men were not allowed the regular periods for halt and refreshment, so that his soldiers went into action under great disadvantage. Upon advancing from Falkirk early in the morning, and when the English host was only two miles distant from the Scottish army, Edward despatched an advanced party of eight hundred cavalry, led by Sir Robert Clifford, with orders to outflank the enemy and throw themselves into Stirling Castle. Bruce had looked for this movement, and had commanded Randolph, his nephew, to be vigilant in repelling any such attempt.[4] Clifford, however, unobserved by Randolph, made a circuit by the low grounds to the east and north of the church of St Ninians, and having thus avoided the front of the Scottish line, he was proceeding towards the castle when he was detected by the piercing eye of Bruce, who rode hastily up to Randolph, and reproached him for his carelessness in having suffered the enemy to pass. "Oh, Randolph!" cried his master, "lightly have you thought of the charge committed to you; a rose has fallen from your chaplet."[5] Stung by such words, the Earl of Moray, leaving the centre, at the head of a select body of infantry, hastened at all hazards to repair his error. As he advanced, Clifford's squadron wheeled round, and putting their spears in rest, charged him at full speed, but Randolph had formed his infantry in a square presenting a front on all sides, with the spears fixed before them;[6] and although he had only five hundred men, he awaited the shock of Clifford with such firmness that many of the English were unhorsed, and Sir William Daynecourt, an officer of note, who had been more forward in his attack than his companions, was slain.[7] Unable to make any impression upon Randolph's square by this first attack, the English proceeded more leisurely to surround him on all sides, and by a second furious and simultaneous charge on each front, endeavoured to break the line; but

1 Barbour, pp. 226, 227.
2 Ibid. p. 225, l. 344, compared with l. 309.
3 Barbour, p. 229.
4 Barbour, p. 228.
5 Ibid. p. 231.
6 Ibid. p. 232.
7 Ibid. p. 234.

the light armour, the long spears, and the short knives and battle-axes of the Scottish foot proved a match for the heavy-armed English cavalry, and a desperate conflict ensued, in which Randolph's little square, although it stood firm, seemed likely to be crushed to pieces by the heavy metal which was brought against it. All this passed in the sight of Bruce, who was surrounded by his officers. At length Sir James Douglas earnestly requested to be allowed to go with a reinforcement to his relief. "You shall not stir a foot from your ground," said the king, "and let Randolph extricate himself as best he can; I will not alter my order of battle, and lose my advantage, whatever may befall him." "My liege," answered Douglas, "I cannot stand by and see Randolph perish when I may bring him help; so by your leave I must away to his succour." Bruce unwillingly consented, and Douglas immediately held his way towards Randolph.[1]

By this time the King of England had brought up his main army, and ordered a halt for the purpose of consulting with his leaders whether it were expedient to join battle that same day, or take a night to refresh his troops. By some mistake, however, the centre of the English continued its march, not aware of this order, and on their approach to the New Park Bruce rode forward alone to make some new arrangements, which were called for by the absence of Randolph, and to take a final view of the disposition of his army. He was at this time in front of his own line, meanly mounted on a hackney, but clad in full armour, with his battle-axe in his hand, and distinguished from his nobles by a small crown of gold surmounting his steel helmet. On the approach of the English vaward, led by the Earls of Gloucester and Hereford, Sir Henry de Boune, an English knight, who rode about a bowshot in advance of his companions, recognised the king, and galloped forward to attack him. Boune was armed at all points, and excellently mounted on a heavy war-horse, so that the contest was most unequal, and Bruce might have retired; but for a moment he forgot his duties as a general in his feelings as a knight, and, to the surprise of his soldiers, spurred his little hackney forward to his assailant. There was an interval of breathless suspense, but it lasted only a moment; for as the English knight came on in full career, the king parried the spear, and raising himself in his stirrups as he passed, with one blow of his battle-axe laid him dead at his feet, by almost cleaving his head in two.[2] Upon this his soldiers raised a great shout, and advanced hardily upon the English centre, which retreated in confusion to the main army; and Bruce, afraid of disorder getting into his line of battle, called back his men from the pursuit, after they had slain a few of the English soldiers. When they had time to recollect themselves, the Scottish leaders earnestly remonstrated with the king for the rash manner in which he exposed himself; and Bruce, somewhat ashamed of the adventure, changed the subject, and looking at the broken shaft which he held in his hand, with a smile replied, "He was sorry for the loss of his good battle-axe."[3]

All this passed so quickly, that the contest between Randolph and Clifford was still undecided; but Douglas, as he drew near to his friend's rescue, perceived that the English had by this time begun to waver, and that disorder was rapidly getting into their ranks. Commanding his men, therefore, to halt, "Let us not," cried he, "diminish the glory of so redoubtable an encounter, by coming in at the end to share it. The brave men that fight yonder without our help will soon discomfit the enemy." And the result was as Douglas had foreseen; for Randolph, who quickly perceived the same indications, began to press the English cavalry with repeated charges and increasing fury, so that they at length entirely broke, and fled in great disorder. The attempt to throw suc-

[1] Barbour, pp. 233, 234.

[2] Barbour, pp. 235, 236.

[3] Ibid. p. 237.

cours into the castle was thus completely defeated; and Clifford, after losing many of his men, who were slain in the pursuit, rejoined the main body of the army with the scattered and dispirited remains of his squadron.[1] So steadily had the Scots kept their ranks, that Randolph had sustained a very inconsiderable loss.

From the result of these two attacks, and especially from the defeat of Clifford, Bruce drew a good augury, and cheerfully congratulated his soldiers on so fair a beginning. He observed to them, that they had defeated the flower of the English cavalry, and had driven back the centre division of their great army; and remarked, that the same circumstances which gave spirit and animation to their hopes must communicate depression to the enemy.[2] As the day was far spent, he held a military council of his leaders, and requested their advice, whether, having now seen the numbers and strength of their opponents, it was expedient to hazard a battle, declaring himself ready to submit his individual opinion to the judgment of the majority. But the minds of the Scottish commanders were not in a retreating mood; and although aware of the great disparity of force, the English army being more than triple that of Bruce, they declared their unanimous desire to keep their position, and to fight on the morrow. The king then told them that such was his own wish, and commanded them to have the whole army arrayed next morning by daybreak, in the order and upon the ground already agreed on. He earnestly exhorted them to preserve the firmest order, each man under his own banner, and to receive the charge of the enemy with levelled spears, so that even the hindmost ranks of the English would feel the shock. He pointed out to them that everything in the approaching battle, which was to determine whether Scotland was to be free or enslaved, depended on their own steady discipline and deliberate valour. He conjured them not to allow a single soldier to quit his banner or break the array; and, if they should be successful, by no means to begin to plunder or to make prisoners, as long as a single enemy remained on the field. He promised that the heirs of all who fell should receive their lands free, and without the accustomed feudal fine; and he assured them, with a determined and cheerful countenance, that if the orders he had now given were obeyed they might confidently look forward to victory.[3]

Having thus spoken to his leaders, the army were dismissed to their quarters. In the evening they made the necessary arrangements for the battle, and passed the night in arms upon the field. Meanwhile the English king and his leaders had resolved, on account of the fatigue undergone by the troops, and symptoms of dissatisfaction which appeared amongst them, to delay the attack, and drew off to the low grounds to the right and rear of their original position, where they passed the night in riot and disorder.[4] At this time, it is said, a Scotsman, who served in the English army, deserted to Bruce, and informed him he could lead him to the attack so as to secure an easy victory. Robert, however, was not thus to be drawn from his position, and determined to await the enemy on the ground already chosen.

On Monday, the 24th of June, at the first break of day, the Scottish king confessed, and along with his army heard mass. This solemn service was performed by Maurice, the Abbot of Inchaffray, upon an eminence in front of their line, and after its conclusion the soldiers took breakfast, and arranged themselves under their different banners. They wore light armour, but of excellent temper. Their weapons were, a battle-axe slung at their side, and long spears, besides knives or daggers, which the former affair of Randolph had proved to be highly effective in close combat. When the whole army was in array, they proceeded, with displayed banners,

[1] Barbour, pp. 238, 239.
[2] Ibid. pp. 240, 241.
[3] Barbour, pp. 243, 244.
[4] Thomas de la More, apud Camden, p. 594.

to make knights, as was the custom before a battle. Bruce conferred that honour upon Walter, the young Steward of Scotland, Sir James Douglas, and many other brave men, in due order, and according to their rank.[1]

By this time the van of the English army, composed of archers and lances, and led by the Earls of Gloucester and Hereford, approached within bow-shot; and at a little distance behind the remaining nine divisions, which, confined by the narrowness of the ground, were compressed into a close column of great and unwieldy dimensions.[2] This vast body was conducted by the King of England in person, who had along with him a body-guard of five hundred chosen horse. He was attended by the Earl of Pembroke, Sir Ingelram Umfraville, and Sir Giles de Argentine, a knight of Rhodes, of great reputation.[3] When Edward approached near enough, and observed the Scottish army drawn up on foot, and their firm array and determined countenance, he expressed much surprise, and turning to Umfraville, asked him, "If he thought these Scots would fight?" Umfraville replied that they assuredly would; and he then advised Edward, instead of an open attack, to pretend to retreat behind his encampment, upon which he was confident, from his old experience in the Scottish wars, that the enemy would break their array, and rush on without order or discipline, so that the English army might easily attack and overwhelm them. Umfraville, an Anglicised Scottish baron, who had seen much service against Edward's father, and had only sworn fealty in 1305, spoke this from an intimate knowledge of his countrymen; but Edward fortunately disdained his counsel. At this moment the Abbot of Inchaffray, barefooted, and holding a crucifix aloft in his hand, walked slowly along the Scottish line; and as he passed, the whole army knelt down,[4] and prayed for a moment with the solemnity of men who felt it might be their last act of devotion. "See," cried Edward, "they are kneeling—they ask mercy!" "They do, my liege," replied Umfraville, "but it is from God, not from us. Trust me, yon men will win the day, or die upon the field."[5] "Be it so then," said Edward, and immediately commanded the charge to be sounded. The English van, led by Gloucester and Hereford, now spurred forward their horses, and at full gallop charged the right wing of the Scots, commanded by Edward Bruce; but a dispute between the two English barons as to precedency caused the charge, though rapid, to be broken and irregular. Gloucester, who had been irritated the day before by some galling remarks of the king, insisted on leading the van, a post which of right belonged to Hereford, as Constable of England. To this Hereford would not agree; and Gloucester, as they disputed, seeing the Scottish right advancing, sprung forward at the head of his own division, and, without being supported by the rest of the van, attacked the enemy, who received them with a shock which caused the noise of the meeting of their spears to be heard a great way off, and threw many knights from their saddles, whose horses were stabbed and rendered furious by their wounds.[6] While the right wing was thus engaged, Randolph, who commanded the centre division, advanced at a steady pace to meet the main body of the English, whom he confronted and attacked with great intrepidity, although the enemy outnumbered him by ten to one. His square, to use an expression of Barbour's, was soon surrounded and lost amidst the English, as if it had plunged into the sea; upon which Sir James Douglas and Walter the Steward brought up the left wing; so that the whole line, composed of the three battles, was now engaged, and the battle raged with great fury.[7] The

[1] Barbour, p. 248.
[2] Walsingham, p. 105.
[3] Fœdera, vol. iii. p. 441. Fordun a Goodal, vol. ii. p. 295.
[4] Fordun a Goodal, vol. ii. p. 250.
[5] Barbour, p. 250, and Chronicle of Lanercost, p. 225.
[6] Barbour, p. 251.
[7] Ibid. pp. 252, 253.

English cavalry attempting, by repeated charges, to break the line of the Scottish spearmen, and they standing firm in their array, and presenting on every side a serried front of steel, caused a shock and melee which is not easily described; and the slaughter was increased by the remembrance of many years of grievous injury and oppression, producing, on the part of the Scots, an exasperation of feeling and an eager desire of revenge. At every successive charge the English cavalry lost more men, and fell into greater confusion than before; and this confusion was infinitely increased by the confined nature of the ground and the immense mass of their army. The Scottish squares, on the other hand, were light and compact, though firm; they moved easily, altered their front at pleasure, and suited themselves to every emergency of the battle. They were, however, dreadfully galled by the English bowmen; and Bruce, dreading the effect of the constant and deadly showers of arrows, which fell like hail upon them, directed Sir Robert Keith, the marshal, to make a circuit, with the five hundred horse which were in the reserve, round the morass called Miltown Bog, and to charge the archers in flank. This movement was executed with great decision and rapidity; and such was its effect that the whole body of the archers, who had neither spears nor other weapons to defend themselves against cavalry, were in a short time overthrown and dispersed, without any prolonged attempt at resistance.[1] Part of them fled to the main army, and the rest did not again attempt to rally or make head during the continuance of the battle. Although such was the success of this judicious attack, the English still kept fighting with great determination; but they had already lost some of their bravest commanders, and Bruce could discern symptoms of exhaustion and impatience. He saw, too, that his own infantry were still fresh and well-breathed; and he assured his leaders that the attack, continued but for a short time, and pushed with vigour, must make the day their own. It was at this moment that he brought up his whole reserve, and the four battles of the Scots were now completely engaged in one line.[2] The Scottish archers, unlike the English, carried short battle-axes; and with these, after they had exhausted their arrows, they rushed upon the enemy, and made great havoc. The Scottish commanders, too, the king, Edward Bruce, Douglas, Randolph, and the Steward, were fighting in the near presence of each other, and animated with a generous rivalry. At this time Barbour, whose account of the battle is evidently taken from eye-witnesses, describes the field as exhibiting a terrific spectacle. "It was awful," says he, "to hear the noise of these four battles fighting in a line,—the clang of arms, the shouts of the knights as they raised their war-cry; to see the flight of the arrows, which maddened the horses; the alternate sinking and rising of the banners, and the ground slippery with gore, and covered with shreds of armour, broken spears, pennons, and rich scarfs, torn and soiled with blood and clay; and to listen to the groans of the wounded and the dying." The wavering of the English lines was now discernible by the Scottish soldiers themselves, who shouted when they saw it, and calling out, "On them, on them—they fail!" pressed forward with renewed vigour, gaining ground upon their enemy.[3] At this critical moment there appeared over the little hill, which lay between the field and the baggage of the Scottish army, a large body of troops marching apparently in firm array towards the field. This spectacle, which was instantly believed to be a reinforcement proceeding to join the Scots, although it was nothing more than the sutlers and camp-boys hastening to see the battle, spread dismay amidst the ranks of the English; and King Robert, whose eye was everywhere, to perceive and take advantage of the slightest

[1] Barbour, pp. 255, 256.

[2] Barbour, p. 258. Chronicle of Lanercost, p. 225.

[3] Ibid. p. 259.

movement in his favour, put himself at the head of his reserve, and raising his *ensenye*, or war-cry, furiously pressed on the enemy.[1] It was this last charge, which was followed up by the advance of the whole line, that decided the day; the English, who hitherto, although wavering, had preserved their array, now broke into disjointed squadrons; part began to quit the field, and no efforts of their leaders could restore order. The Earl of Gloucester, who was mounted on a spirited war-horse, which had lately been presented to him by the king,[2] in one of his attempts to rally his men, rode desperately upon the division of Edward Bruce; he was instantly unhorsed, and fell pierced by numerous wounds of the Scottish lances. The flight now became general, and the slaughter great. The banners of twenty-seven barons were laid in the dust, and their masters slain. Amongst these were Sir Robert Clifford, a veteran and experienced commander, and Sir Edmund Mauley, the Seneschal of England. On seeing the entire route of his army, Edward reluctantly allowed the Earl of Pembroke to seize his bridle, and force him off the field, guarded by five hundred heavy-armed horse. Sir Giles de Argentine accompanied him a short way, till he saw the king in safety. He then reined up, and bade him farewell. "It has never been my custom," said he, "to fly; and here I must take my fortune." Saying this, he put spurs to his horse, and crying out "An Argentine!" charged the squadron of Edward Bruce, and, like Gloucester, was soon borne down by the force of the Scottish spears, and cut to pieces.[3] Multitudes of the English were drowned when attempting to cross the river Forth. Many, in their flight, got entangled in the pits, which they seem to have avoided in their first attack, and were there suffocated or slain; others, who vainly endeavoured to pass the rugged banks of the Bannockburn, were slain in that quarter; so completely was this little river heaped up with the dead bodies of men and horses, that the pursuers passed dry over the mass as if it were a bridge. Thirty thousand of the English were left dead upon the field, and amongst these two hundred knights and seven hundred esquires. A large body of Welsh fled, under the command of Sir Maurice Berklay, but the greater part of them were slain, or taken prisoners, before they reached England.[4]

Such also might have been the fate of the King of England himself, had Bruce been able to spare a sufficient body of cavalry to follow up the chase. But when Edward left the field, with his five hundred horse, many straggling parties of the enemy still lingered about the low grounds, and numbers had taken refuge under the walls, and in the hollow recesses of the rock on which Stirling castle is built.[5] These, had they rallied, might have still created much annoyance, a part of the Scottish army being occupied in plundering the camp; and it thus became absolutely necessary for Bruce to keep the more efficient part of his troops together. When Douglas, therefore, proposed to pursue the king, he could obtain no more than sixty horsemen. In passing the Torwood, he was met by Sir Laurence Abernethy, hastening with a small body of cavalry to join the English. This knight immediately deserted a falling cause, and assisted in the chase. They made up to the fugitive monarch at Linlithgow, but Douglas deemed it imprudent to hazard an attack with so inferior a force. He pressed so hard upon him, however, as not to suffer the English to have a moment's rest; and it is a strong proof of the panic which had seized them that a body of five hundred heavy horse, armed to the teeth, fled before eighty Scottish cavalry, without attempting to make a stand. But it is probable they believed Douglas to

[1] Barbour, p. 261.

[2] Hutchinson's Hist. and Antiquities of the Palatinate of Durham, p. 261. "The Bishop of Durham, Richard Kellow, had a short time before presented this war-horse, an animal of high price, along with one thousand marks, to King Edward."

[3] Barbour, p. 263.

[4] Barbour, pp. 266, 267.

[5] Ibid.

be the advance of the army.[1] Edward at last gained the castle of Dunbar, where he was hospitably received by the Earl of March, and from which he passed by sea to Berwick. In the meantime, Bruce sent a party to attack the fugitives who clustered round the rock of Stirling. These were immediately made prisoners, and having ascertained that no enemy remained, the king permitted his soldiers to pursue the fugitives, and give themselves up to plunder. The unfortunate stragglers were slaughtered by the peasantry, as they were dispersed over the country; and many of them, casting away their arms and accoutrements, hid themselves in the woods, or fled almost naked from the field.[2] Some idea of the extent and variety of the booty which was divided by the Scottish soldiers may be formed from the circumstance mentioned by an English historian, "That the chariots, waggons, and wheeled carriages, which were loaded with the baggage and military stores, would, if drawn up in a line, have extended for twenty leagues."[3]

These, along with numerous herds of cattle, and flocks of sheep and swine; store of hay, corn, and wine; the vessels of gold and silver belonging to the king and his nobility; the money-chests holding the treasure for the payment of the troops; a large assemblage of splendid arms, rich wearing apparel, horse and tent furniture, from the royal wardrobe and private repositories of the knights and noblemen who were in the field; and a great booty in valuable horses, fell into the hands of the conquerors, and were distributed by Bruce amongst his soldiers with a generosity and impartiality which rendered him highly popular. Besides all this, Edward had brought along with him many instruments of war, and machines employed in the besieging of towns, such as petronels, trebuchets, mangonels, and battering rams, which, intended for the demolition of the Scottish castles, now fell into the hands of Bruce, to be turned, in future wars, against England. The living booty, too, in the many prisoners of rank who were taken, was great. Twenty-two barons and bannerets, and sixty knights, fell into the hands of the Scots. Considering the grievous injuries which he had personally sustained, the King of Scotland evinced a generous forbearance in the uses of his victory, which does him high honour: not only was there no unnecessary slaughter, no uncalled-for severity of retaliation, but, in their place, we find a high-toned courtesy, which has called forth the praises of his enemies.[4] The body of the young and noble Earl of Gloucester was reverently carried to a neighbouring church, and every holy rite duly observed. It was afterwards sent to England, along with the last remains of the brave Lord Clifford, to be interred with the honours due to their rank. The rest of the slain were reverently buried upon the field.[5] Early next morning, as the king examined the ground, Sir Marmaduke de Twenge, who had lurked all night in the woods, presented himself to Bruce, and, kneeling down, delivered himself as his prisoner. Bruce kindly raised him, retained him in his company for some time, and then dismissed him, not only without ransom, but enriched with presents.[6]

It happened that one Baston, a Carmelite friar, and esteemed an excellent poet, had been commanded by Edward to accompany the army, that he might immortalise the expected triumph of his master. He was taken; and Bruce commanded him, as an appropriate ransom, to celebrate the victory of the Scots at Bannockburn—a task which he has accomplished in a composition which still remains an extraordinary relic of the Leonine, or rhyming hexameters.[7]

On the day after the battle, Mowbray, the English governor of Stirling,

[1] Henry Knighton, p. 2533. Walsingham, p. 105.
[2] Monachi Malmesbur. p. 151.
[3] Ibid. p. 147.
[4] Joh. de Trokelowe, p. 28.
[5] Barbour, p. 273.
[6] Ibid. p. 269.
[7] Fordun a Goodal, p. 251.

having delivered up that fortress, according to the terms of the truce, entered into the service of the King of Scotland; and the Earl of Hereford, who had taken refuge in Bothwell castle, then in the hands of the English, capitulated, after a short siege, to Edward Bruce. This nobleman was exchanged for five illustrious prisoners, Bruce's wife, his sister Christian, his daughter Marjory, Wishart, the bishop of Glasgow, now blind, and the young Earl of Mar, nephew to the king. John de Segrave, made prisoner at Bannockburn, was ransomed for five Scottish barons; so that, in these exchanges, the English appear to have received nothing like an adequate value. The riches obtained by the plunder of the English, and the subsequent ransom paid for the multitude of prisoners, must have been great. The exact amount cannot be easily estimated, but some idea of it may be formed from the tone of deep lamentation assumed by the Monk of Malmesbury. "O day of vengeance and of misfortune!" says he, "day of disgrace and perdition! unworthy to be included in the circle of the year, which tarnished the fame of England, and enriched the Scots with the plunder of the precious stuffs of our nation, to the extent of two hundred thousand pounds. Alas! of how many noble barons, and accomplished knights, and high-spirited young soldiers,—of what a store of excellent arms, and golden vessels, and costly vestments, did one short and miserable day deprive us."[1] Two hundred thousand pounds of money in those times, amounts to about six hundred thousand pounds weight of silver, or nearly three millions of our present money. It is remarkable that Sir William Vipont, and Sir Walter Ross, the bosom friend of Edward Bruce, were the only persons of note who were slain on the side of the Scots, whose loss, even in common men, was small; proving how effectually their squares had repelled the English cavalry.

Such was the great battle of Bannockburn, interesting above all others which have been fought between the then rival nations, if we consider the issue which hung upon it; and glorious to Scotland, both in the determined courage with which it was disputed by the troops, the high military talents displayed by the king and his leaders, and the amazing disparity between the numbers of the combatants. Its consequences were in the highest degree important. It put an end for ever to all hopes upon the part of England of accomplishing the conquest of her sister country. The plan, of which we can discern the foundations as far back as the reign of Alexander III., and for the furtherance of which the first Edward was content to throw away so much of treasure and blood, was put down in the way in which all such schemes ought to be defeated—by the strong hand of free-born men, who were determined to remain so; and the spirit of indignant resistance to foreign power, which had been awakened by Wallace, but crushed for a season by the dissensions of a jealous nobility, was concentrated by the master-spirit of Bruce, and found fully adequate to overwhelm the united military energies of a kingdom, far superior to Scotland in all that constituted military strength. Nor have the consequences of this victory been partial or confined. Their duration throughout succeeding centuries of Scottish history and Scottish liberty, down to the hour in which this is written, cannot be questioned; and without launching out into any inappropriate field of historical speculation, we have only to think of the most obvious consequences which must have resulted from Scotland becoming a conquered province of England; and if we wish for proof, to fix our eyes on the present condition of Ireland, in order to feel the reality of all that we owe to the victory at Bannockburn, and to the memory of such men as Bruce, Randolph, and Douglas.

[1] Mon. Malmesburiensis, p. 152.

CHAPTER IV.

ROBERT BRUCE.

1314—1329.

A DEEP and general panic seized the English, after the disastrous defeat at Bannockburn. The weak and undecided character of the king infected his nobility, and the common soldiers having lost all confidence in their officers, became feeble and dispirited themselves. "A hundred English would not hesitate," says Walsingham, "to fly from two or three Scottish soldiers, so grievously had their wonted courage deserted them."[1] Taking advantage of this dejection, the king, in the beginning of autumn,[2] sent Douglas and Edward Bruce across the eastern marches, with an army which wasted Northumberland, and carried fire and sword through the principality of Durham, where they levied severe contributions. They next pushed forward into Yorkshire, and plundered Richmond, driving away a large body of cattle, and making many prisoners. On their way homeward, they burnt Appleby and Kirkwold, sacked and set fire to the villages in their route, and found the English so dispirited everywhere, that their army reached Scotland, loaded with spoil, and unchallenged by an enemy.[3] Edward, indignant at their successes, issued his writs for the muster of a new army to be assembled from the different wapentachs of Yorkshire; commanded ships to be commissioned and victualled for a second Scottish expedition; and appointed the Earl of Pembroke to be governor of the country between Berwick and the river Trent, with the arduous charge of defending it against reiterated attacks, and, to use the words of the royal commission, "the burnings, slaughters, and inhuman and sacrilegious depredations of the Scots."[4] These, however, were only parchment levies; and before a single vessel was manned, or a single horseman had put his foot in the stirrup, the indefatigable Bruce had sent a second army into England, which ravished Redesdale and Tynedale, again marking their progress by the black ashes of the towns and villages, and compelling the miserable inhabitants of the border countries to surrender their whole wealth, and to purchase their lives with large sums of money.[5] From this they diverged in their destructive progress into Cumberland, and either from despair, or from inclination, and a desire to plunder, many of the English borderers joined the invading army, and swore allegiance to the Scottish king.[6]

Alarmed at these visitations, and finding little protection from the inactivity of Edward, and the disunion and intrigues of the nobility, the barons and clergy of the northern parts of England assembled at York; and having entered into a confederacy for the protection of their neighbourhood against the Scots, appointed four captains to command the forces of the country, and to adopt measures for the public safety. Edward immediately confirmed this nomination, and, for the pressing nature of the emergency, the measure was not impolitic; but these border troops soon forgot their allegiance, and, upon the failure of their regular supplies from the king's exchequer, became little better than the Scots themselves,

[1] Walsingham, p. 106.
[2] It was before the 10th of August. Rotuli Scotiæ, vol. i. p. 129.
[3] Chron. Lanercost, p. 228.
[4] Rotuli Scotiæ, vol. i. p. 129. 10th August 1314.
[5] Chron Lanercost, p. 229.
[6] Rotuli Scotiæ, vol. i. pp. 152, 153.

plundering the country, and subsisting themselves by every species of theft, robbery,[1] and murder.

Robert wisely seized this period of distress and national dejection to make pacific overtures to Edward, and to assure him that, having secured the independence of his kingdom, there was nothing which he more anxiously desired than a firm and lasting peace between the two nations. Negotiations soon after followed. Four Scottish ambassadors met with the commissioners of England, and various attempts were made for the establishment of a perpetual peace, or at least of a temporary truce between the rival countries; but these entirely failed, owing, probably, to the high tone assumed by the Scottish envoys; and the termination of this destructive war appeared still more distant than before.[2] Towards the end of this year, the unfortunate John Baliol died in exile at his ancient patrimonial castle of Bailleul, in France, having lived to see the utter demolition of a power which had insulted and dethroned him. He had been suffered to retain a small property in England; and his eldest son appears to have been living in that country, and under the protection of Edward, at the time of his father's death.[3]

In addition to the miseries of foreign war and intestine commotion, England was now visited with a grievous famine, which increased to an excessive degree the prices of provisions, and, combined with the destructive inroads of the Scots, reduced the kingdom to a miserable condition. A parliament, which assembled at London in January, (1314–15,) endeavoured, with short-sighted policy, to provide some remedy in lowering the market price of the various necessaries of life; and making it imperative upon the seller either to dispose of his live stock at certain fixed rates, or to forfeit them to the crown[4]—a measure which a subsequent parliament found it necessary to repeal.[5] The same assembly granted to the king a twentieth of their goods, upon the credit of which he requested a loan from the abbots and priors of the various convents in his dominions, for the purpose of raising an army against the Scots.[6] But the king's credit was too low, the clergy too cautious, and the barons of the crown too discontented, to give efficiency to this intended muster, and no army appeared. The famine, which had begun in England, now extended to Scotland; and as that country became dependent upon foreign importation, the merchants of England, Ireland, and Wales were rigorously interdicted from supplying it with grain, cattle, arms, or any other commodities. Small squadrons of ships were employed to cruise round the island, so as to intercept all foreign supplies; and letters were directed to the Earl of Flanders, and to the Counts of Holland, Lunenburg, and Brabant, requesting them to put a stop to all commercial intercourse between their dominions and Scotland—a request with which these sagacious and wealthy little states peremptorily refused to comply.[7]

In the spring, another Scottish army broke in upon Northumberland, again ravaged the principality of Durham, sacked the seaport of Hartlepool, and, after collecting their plunder, compelled the inhabitants to redeem their property and their freedom by a high tribute. Carrying their

[1] Rotuli Scotiæ, vol. i. p. 137, 10th January 1314. Walsingham, p. 110. Lord Hailes has stated that Edward assembled a parliament at York in 1314, and quotes the Fœdera, vol. iii. pp. 491, 493, for his authority. This, I think, must be an error; as these pages rather prove that no parliament was then assembled, nor is there any writ for a parliament in Rymer in this year at all. Walsingham, p. 106, says, indeed, that the king held a great council at York, immediately after his flight from Bannockburn.

[2] Rotuli Scotiæ, vol. i. p. 131. Everwyk, 18th September 1314. See also pp. 132, 133, 6th October 1314.

[3] Fœdera, vol. iii. p. 506, 4th January 1315.

[4] Rotuli Parl. 8 Edw. II. n. 35, 86, quoted in Tyrrel, vol. iii. p. 263.

[5] Tyrrel, vol. iii. p. 265.

[6] Ibid. vol. iii. p. 263. Rymer, Fœdera, vol. iii. p. 511.

[7] Rotuli Scotiæ, vol. i. pp. 135, 136. Rymer, Fœdera, vol. iii. p. 770. Edward wrote also to the magistrates of Dam, Nieuport, Dunkirk, Ypre, and Mechlin, to the same import. Rotuli Scotiæ, 12 Edw. II. m. 8.

arms to the gates of York, they wasted the country with fire and sword, and reduced the wretched English to the lowest extremity of poverty and despair.[1] Carlisle, Newcastle, and Berwick, defended by strong fortifications, and well garrisoned, were now the only cities of refuge where there was security for property; and to these towns the peasantry flocked for protection, whilst the barons and nobility, instead of assembling their vassals to repel the common enemy, spent their time in idleness and jollity in the capital.[2]

An important measure, relating to the succession of the crown, now occupied the attention of the Estates of Scotland, in a parliament held at Ayr, on the 26th of April. By a solemn act of settlement, it was determined, with the consent of the king, and of his daughter and presumptive heir, Marjory, that the crown, in the event of Bruce's death, without heirs male of his body, should descend to his brother, Edward Bruce, a man of tried valour, and much practised in war. It was moreover provided, with consent of the king, and of his brother Edward, that, failing Edward and his heirs male, Marjory should immediately succeed; and failing her, the nearest heir lineally descended of the body of King Robert; but under the express condition that Marjory should not marry without the consent of her father, and failing him, of the majority of the Estates of Scotland. If it happened that either the king, or his brother Edward, or Marjory his daughter, should die leaving an heir male who was a minor, in that event Thomas Randolph, earl of Moray, was constituted guardian of the heir, and of the kingdom, till the Estates considered the heir of a fit age to administer the government in his own person; and in the event of the death of Marjory without children, the same noble person was appointed to this office, if he chose to accept the burden, until the states and community, in their wisdom, determined the rightful succession to the crown.[3]

Not long after this, the king bestowed his daughter Marjory in marriage upon Walter, the hereditary High Steward of Scotland; an important union, which gave heirs to the Scottish crown, and afterwards to the throne of the United Kingdoms.[4]

An extraordinary episode in the history of the kingdom now claims our attention. Edward Bruce, the king's brother, a man of restless ambition and undaunted enterprise, fixed his eyes upon Ireland, at this time animated by a strong spirit of resistance against its English masters; and having entered into a secret correspondence with its discontented chieftains, he conceived the bold idea of reducing that island by force of arms, and becoming its king.[5] A desire to harass England in a very vulnerable quarter, and a wish to afford employment, at a distance, to a temper which was so imperious at home,[6] that it began to threaten disturbance to the kingdom, induced the King of Scotland to agree to a project replete with difficulty; and Edward Bruce, with six thousand men, landed at Carrickfergus, in the north of Ireland, on the 25th of May 1315. He was accompanied by the Earl of Moray, Sir Philip Mowbray, Sir John Soulis, Sir Fergus of Ardrossan, and Ramsay of Ochterhouse. In a series of battles, which it would be foreign to the object of this history to enumerate, although they bear testimony to the excellent discipline of the Scottish knights and soldiers, Edward Bruce overran the provinces of Down, Armagh, Louth, Meath, and Kildare; but was compelled by want, and the

1 Chronicle of Lanercost, pp. 230, 231.
2 Walsingham, p. 107.

3 Fordun a Goodal, vol. ii. pp. 256, 258. Robertson's Index, pp. 7, 8.
4 Stuart's History of the Stewarts, p. 18.
5 Barbour, p. 277.
6 Neither Lord Hailes nor any other Scottish historian take notice of the ambitious and factious character of Edward Bruce, although Fordun expressly says:—"Iste Edwardus erat homo ferox, et magni cordis valde, nec voluit cohabitare fratri suo in pace, nisi dimidium regni solus haberet; et hac de causa mota fuit guerra in Hibernia, ubi ut præmittitur finivit vitam."—Fordun a Hearne, p. 1009.

reduced numbers of his little army, to retreat into Ulster, and despatch the Earl of Moray for new succours into Scotland. He was soon after crowned king of Ireland, and immediately after his assumption of the regal dignity laid siege to Carrickfergus. On being informed of the situation of his brother's affairs, King Robert intrusted the government of the kingdom to his son-in-law, the Steward, and Sir James Douglas. He then passed over to the assistance of the new king, with a considerable body of troops; and, after their junction, the united armies, having reduced Carrickfergus, pushed forward through the county Louth, to Slane, and invested Dublin; but being compelled to raise the siege, they advanced into Kilkenny, wasted the country as far as Limerick, and after experiencing the extremities of famine, and defeating the enemy wherever they made head against them, terminated a glorious but fruitless expedition, by a retreat into the province of Ulster, in the spring of 1317.[1]

The King of Scotland now returned to his dominions, taking along with him the Earl of Moray, but having left the flower of his army to support his brother in the possession of Ulster. A miserable fate awaited these brave men. After a long period of inaction, in which neither the Irish annals nor our early Scottish historians afford any certain light, we find King Edward Bruce encamped at Tagher, near Dundalk, at the head of a force of two thousand men, exclusive of the native Irish, who were numerous, but badly armed and disciplined. Against him, Lord John Bermingham, along with John Maupas, Sir Miles Verdon, Sir Hugh Tripton, and other Anglo-Irish barons, led an army which was strong in cavalry, and outnumbered the Scots by nearly ten to one. Edward, with his characteristic contempt of danger, and nothing daunted by the disparity of force, determined, against the advice of his oldest captains, to give the enemy battle. In the course of a three years' war, he had already engaged the Anglo-Irish forces eighteen times; and although his success had led to no important result, he had been uniformly victorious.[2] But his fiery career was now destined to be quenched, and his short-lived sovereignty to have an end. On the 5th of October 1318, the two armies joined battle, and the Scots were almost immediately discomfited.[3] At the first onset, John Maupas slew King Edward Bruce, and was himself found slain, and stretched upon the body of his enemy. Sir John Soulis and Sir John Stewart also fell; and the rout becoming general, the slaughter was great. A miserable remnant, however, escaping from the field, under John Thomson, the leader of the men of Carrick, made good their retreat to Carrickfergus, and from thence reached Scotland. Two thousand Scottish soldiers were left dead upon the spot, and amongst these some of Bruce's best captains.[4] Thus ended an expedition which, if conducted by a spirit of more judicious and deliberate valour than distinguished its prime mover, might have produced the most serious annoyance to England. Unmindful of the generous courtesy of Bruce's behaviour after the battle of Bannockburn, the English treated the body of the King of Ireland with studied indignity. It was quartered and distributed as a public spectacle over Ireland, and the head was presented to the English king by Lord John Bermingham, who, as a reward for his victory, was created Earl of Louth.[5]

Having given a continuous sketch of this disastrous enterprise, which, from its commencement till the death of Edward, occupied a period of three years, we shall return to the affairs of Scotland, where the wise administration of King Robert brought security and happiness to the people both at home and in their foreign relations.

The ships which had transported Edward Bruce and his army to Ireland were immediately sent home; and the

[1] Fordun a Hearne, p. 1008.

[2] I have here followed the authority of Barbour, p. 317.

[3] Barbour, p. 364.

[4] Their names will be found in Trivet, contin. p. 29.

[5] Rymer, Fœdera, vol. iii. p. 767.

king undertook an expedition against the Western Isles, some of which had acknowledged his dominion,[1] whilst others, under John of Argyle, the firm ally of England, had continued for a long time to harass and annoy the commerce of his kingdom. Although constantly occupied in a land war, during the course of which he had brought his army into a high state of discipline, Bruce had never been blind to the strength which he must acquire by having a fleet which could cope with the maritime power of his rival; and from the complaints of the English monarch in the state papers of the times, we know that on both sides of the island the Scottish vessels, and those of their allies, kept the English coast towns in a state of constant alarm.[2]

Their fleets seem to have been partly composed of privateers, as well Flemish as Scottish, which, under the protection of the king, roved about, and attacked the English merchantmen. Thus, during Edward Bruce's expedition, he met, when on the Irish coast, and surrounded with difficulties, with Thomas of Doune, a Scottish "scoumar," or freebooter, "of the se," who, with a small squadron of four ships, sailed up the river Ban, and extricated his countrymen from their[3] perilous situation.

In his expedition to the Isles, Bruce was accompanied by his son-in-law, the Steward of Scotland; and having sailed up the entrance of Loch Fine to Tarbet, he dragged his vessels upon a slide, composed of smooth planks of trees laid parallel to each other, across the narrow neck of land which separates the lochs of East and West Tarbet. The distance was little more than an English mile; and by this expedient Bruce not only saved the necessity of doubling the Mull of Kantire, to the small craft of those days often a fatal enterprise, but availed himself of a superstitious belief then current amongst the Western islanders, that they should never be subdued till their invader sailed across the isthmus of Tarbet.[4] The presence of the king in the Western Isles was soon followed by the submission of all the little pirate chiefs who had given him disturbance, and by the capture and imprisonment of John of Lorn, who, since his defeat at Cruachin Ben, had been constantly in the pay of Edward, with the proud title of Admiral of the Western fleet of England.[5] This island prince was first committed to Dumbarton castle, and afterwards shut up in the castle of Lochleven, where he died.[6] After the termination of his peaceful maritime campaign, the king indulged himself and his friends in the diversion of the chase; whilst at home, his army, under Douglas, continued to insult and plunder the English Border counties.[7] On his return from the Western Isles, Bruce undertook the siege of Carlisle; but, after having assaulted it for ten days, he was compelled, by the strength of the works and the spirit of its townsmen and garrison, to draw off his troops. Berwick, too, was threatened from the side next the sea by the Scottish ships, which attempted to steal up the river unperceived by the enemy, but were discovered, and bravely repulsed.[8] Against these reiterated insults, Edward, unable from his extreme unpopularity to raise an army, contented himself with querulous complaints, and with some ineffectual advances towards a reconciliation,[9] which as yet was far distant.

[1] Fœdera, vol. iii. p. 238.

[2] Rotuli Scot. vol. i. p. 151, date 6th November 1315.

[3] Barbour, book x. p. 288. In Leland, Collect. vol. i. p. 549, we find, in an extract from the Scala Chron., "One Cryne, a Fleming, an admiral, and great robber on the se, and in high favour with Robert Bruce."

[4] Barbour, p. 302. The fishermen constantly drag their boats across this neck of land. Tar-bat for trag-bat, or drag-boat.

[5] Rotuli Scotiæ, p. 121. This John of Lorn seems to be the same person as the John of Argyle, so frequently mentioned in the Rotuli.

[6] Barbour, p. 303.

[7] Leland, Collect. vol. i. p. 24. Douglas wasted Egremont, plundered St Bees' Priory, and destroyed two manors belonging to the prior. The work quoted by Leland is an anonymous MS. History of the Abbots of St Mary's, York, by a monk of the same religious house.

[8] Chron. Lanercost, pp. 230, 231, 264. This was in the end of July 1315.

[9] Rotuli Scotiæ, 9 Ed. II. m. 6, p. 149.

About this time, to the great joy of the King of Scotland and of the nation, the Princess Marjory bore a son, Robert, who was destined, after the death of David, his uncle, to succeed to the throne, and become the first of the royal house of Stewart; but grief soon followed joy, for the young mother died almost immediately after childbirth.[1]

Undaunted by the partial check which they had received before Carlisle and Berwick, the activity of the Scots gave the English perpetual employment. On one side they attacked Wales, apparently making descents from their ships upon the coast; and Edward, trembling for the security of his new principality, countermanded the Welsh levies which were about to join his army, and enjoined them to remain at home; but he accompanied this with an order to give hostages for their fidelity, naturally dreading the effect of the example of the Scots upon a nation whose fetters were yet new and galling.[2] On the other side, King Robert in person led his army, about midsummer, into Yorkshire, and wasted the country, without meeting an enemy, as far as Richmond. A timely tribute, collected by the neighbouring barons and gentlemen, saved this town from the flames; but this merely altered the order of march into the West Riding, which was cruelly sacked and spoiled for sixty miles round, after which the army returned with their booty and many prisoners.[3] Bruce then embarked for Ireland; and soon after, the English king, encouraged by his absence and that of Randolph, summoned his military vassals to meet him at Newcastle, and determined to invade Scotland with great strength; but the Earl of Lancaster, to whom the conduct of the enterprise was intrusted, and the barons of his party, having in vain waited at Newcastle for the king's arrival, returned home in displeasure;[4] so that the original design of Edward broke down into several smaller invasions, in repelling which the activity and military enterprise of Sir James Douglas, and the Steward, not only kept up, but materially increased, the Scottish ascendancy. In Douglas, the adventurous spirit of chivalry was finely united with the character of an experienced commander. At this time he held his quarters at Linthaughlee, near Jedburgh; and having information that the Earl of Arundel, with Sir Thomas de Richemont, and an English force of ten thousand men, had crossed the Borders, he determined to attack him in a narrow pass, through which his line of march lay, and which was flanked on each side by a wood. Having thickly twisted together the young birch trees on either side, so as to prevent escape,[5] he concealed his archers in a hollow way near the gorge of the pass, and when the English ranks were compressed by the narrowness of the road, and it was impossible for their cavalry to act with effect, he rushed upon them at the head of his horsemen, whilst the archers, suddenly discovering themselves, poured in a flight of arrows, so that the unwieldy mass was thrown into confusion, and took to flight. In the melee, Douglas slew Thomas de Richemont with his dagger; and although, from his inferiority of force, he did not venture to pursue the enemy into the open country, yet they were compelled to retreat with great slaughter.[6]

Soon after this, Edmund de Cailou, a knight of Gascony, whom Edward had appointed to be Governor of Berwick, was encountered by Douglas, as the foreigner returned to England loaded with plunder, from an inroad into Teviotdale. Cailou was killed; and, after the slaughter of many of the foreign mercenaries, the accumulated booty of the Merse and Teviotdale was recovered by the Scots.

[1] Fordun a Goodal, book xii. c. 25. Hailes, vol. ii. p. 81. It is strange that Fordun himself does neither mention the birth of Robert the Second, nor the death of his mother. See Fordun a Hearne, p. 1008, 1009. Winton, too, says nothing of her death.

[2] Rymer, Fœdera, vol. iii. p. 620. Rotuli Scotiæ, vol. i. p. 159, 4th August.

[3] Chron. Lanercost, p. 233.

[4] Tyrrel, vol. iii. p. 267.

[5] Barbour, p. 324.

[6] Ibid. p. 323.

Exactly similar to that of Cailou was the fate of Sir Ralph Neville. This baron, on hearing the high report of Douglas's prowess, from some of De Cailou's fugitive soldiers, openly boasted that he would fight with the Scottish knight, if he would come and shew his banner before Berwick. Douglas, who deemed himself bound to accept the challenge, immediately marched into the neighbourhood of that town, and, within sight of the garrison, caused a party of his men to waste the country and burn the villages. Neville instantly quitted Berwick with a strong body of men, and, encamping upon a high ground, waited till the Scots should disperse to plunder; but Douglas called in his detachment, and instantly marched against the enemy. After a desperate conflict, in which many were slain, Douglas, as was his custom, succeeded in bringing the leader to a personal encounter, and the superior strength and skill of the Scottish knight were again successful. Neville was slain, and his men utterly discomfited.[1] An old English chronicle ascribes this disaster to "the treason of the marchers;" but it is difficult to discover in what the treason consisted. Many other soldiers of distinction were taken prisoners, and Douglas, without opposition, ravaged the country, drove away the cattle, left the towns and villages in flames, and returned to Scotland. So terrible did the exploits of this hardy warrior become upon the Borders, that Barbour, who lived in his time, informs us the English mothers were accustomed to pacify their children by threatening them with the name of the "Black Douglas."[2]

Repulsed with so much disgrace in these attempts by land, the English monarch fitted out a fleet, and invaded Scotland, sailing into the Firth of Forth, and landing his armament at Donibristle. The panic created by the English was so great, that the sheriff of the county had difficulty in assembling five hundred cavalry; and these, intimidated by the superior numbers of the enemy, disgracefully took to flight. Fortunately, however, a spirited prelate, Sinclair, bishop of Dunkeld, who had more in him of the warrior than the ecclesiastic, received timely notice of this desertion. Putting himself at the head of sixty of his servants, and with nothing clerical about him, except a linen frock or rochet cast over his armour, he threw himself on horseback, and succeeded in rallying the fugitives, telling their leaders that they were recreant knights, and deserved to have their gilt spurs hacked off. "Turn," said he, seizing a spear from the nearest soldier, "turn, for shame, and let all who love Scotland follow me!" With this he furiously charged the English, who were driven back to their ships with the loss of five hundred men, besides many who were drowned by the swamping of one of the vessels. On his return from Ireland, Bruce highly commended his spirit, declaring that Sinclair should be his own bishop; and by the name of the King's Bishop this hardy prelate was long remembered in Scotland.[3]

Unable to make any impression with temporal arms, the King of England next had recourse to the thunders of spiritual warfare; and in the servile character of Pope John the Twenty-second, he found a fit tool for his purpose. By a bull, issued from Avignon, in the beginning of 1317, the Pope commanded the observance of a truce between the hostile countries for two years; but the style of this mandate evinced a decided partiality to England. Giving the title of King of England to Edward, he only designated Bruce as his beloved son, "carrying himself as King of Scotland;"[4] and when he despatched two cardinals as his legates into Britain, for the purpose of publishing this truce upon the spot, they were privately empowered, in case of any opposition, to inflict upon the King of Scotland the highest spiritual censures. In the same secret manner,

[1] Leland, Collect. vol. i. p. 547. Barbour, p. 309.
[2] Barbour, p. 31
[3] Fordun a Goodal, vol. ii. p. 259.
[4] Rymer, Fœdera, vol. iii. p. 594.

he furnished them with a bull, to be made public if circumstances so required, by which Robert Bruce and his brother Edward were declared excommunicated persons.[1] The Pope also directed another bull against the order of Minorite Friars, who, by their discourses, had instigated the Irish to join the Scottish invaders, and rise in rebellion against the English government. These attempts to deprive him of his just rights, and to overawe him into peace, were met by a firm resistance on the part of Bruce; who, placed in a trying and delicate situation, evinced, in his opposition to the Papal interference, a remarkable union of unshaken courage, with sound judgment and good temper, contriving to maintain the independence of his crown; whilst, at the same time, he professed all due respect for the authority of his spiritual father, as head of the Church.

Charged with their important commissions, the cardinals arrived in England at the time when Lewis de Beaumont was about to be consecrated Bishop of Durham. Their first step was to despatch two nuncios, the Bishop of Corbeil and Master Aumery,[2] who were intrusted with the delivery of the Papal letters to the Scottish king, and with the bulls of excommunication. As Durham lay on their road, Master Aumery and his brother nuncio set out with the bishop elect, and a splendid suit of churchmen and barons, intending to be present at the inauguration. But it proved an ill-fated journey for these unfortunate envoys. The Borders at this time were in a wild and disorderly state. Many of the gentry and barons of England, as already noticed, had entered into armed associations for the defence of the marches against the destructive inroads of the Scots; but the habits of loose warfare, the extremities of famine, and the unpopularity of the king's person and government, had, in the course of years, transformed themselves and their soldiers into robbers, who mercilessly ravaged the country.[3] Anxious in every way to increase the confusions which then distracted the English government, the King of Scotland kept up an intelligence with these marauders; and, on the present occasion, aware of the hostility which was meditated against him by the cardinals, and of their attachment to his enemy, it seems very probable that he employed two leaders of these broken men, Gilbert de Middleton and Walter Selby, to intercept the nuncios, and make themselves masters of their letters and secret instructions. It is certain that, on the approach of the cavalcade to Rushy Ford, a large body of soldiers, headed by these lawless chiefs, rushed out from a wood near the road, and in a short time made the whole party prisoners; seized and stript of their purple and scarlet apparel the unfortunate Churchmen; rifled and carried off their luggage and horses; but, without offering violence to their persons, dismissed them to prosecute their journey to Scotland. The bishop elect and his brother, Henry de Beaumont, were carried to Middleton's castle of Mitford; nor were they liberated from their dungeon till their plate, jewels, and the rich vestments of the cathedral were sold to raise money for their ransom.[4]

Meanwhile the Papal nuncios, in disconsolate plight, proceeded into Scotland, and arrived at court. Bruce received them courteously, and listened with attention to the message with which they were charged.[5] Having then consulted with those of his counsellors who were present upon the proposals, he replied that he earnestly desired a firm peace between the kingdoms, to be procured by all honourable means, but that as long as he was only addressed as Governor of Scotland, and his own title of king withheld from him, it was impossible for him, without convening his whole council, and the other barons of his

[1] Dated 4th April 1317. Rymer, Fœdera, vol. iii. p. 661.

[3] Walsingham, p. 107.

[4] Tyrrel, Hist. vol. iii. p. 269. Hutchinson's History and Antiquities of Durham, p. 267. 1st Sept. 1317.

[5] Rymer, vol. iii. p. 662.

realm, to admit the cardinal legates to an interview; nor was it possible for him, before the Feast of St Michael, to summon any council for this purpose. "Among my subjects," said the king, "there are many bearing the name of Robert Bruce, who share, with the rest of my barons, in the government of the kingdom. These letters may possibly be addressed to them; and it is for this reason that, although I have permitted the Papal letters, which advise a peace, to be read, as well as your open letters on the same subject; yet to these, as they refuse to me my title of king, I will give no answer, nor will I by any means suffer your sealed letters, which are not directed to the King of Scotland, to be opened in my presence."

The nuncios, upon this, endeavoured to offer an apology for the omission, by observing that it was not customary for our holy mother, the Church, either to do or to say anything during the dependence of a controversy which might prejudice the right of either of the parties. "If, then," replied Bruce, "my spiritual father and my holy mother have professed themselves unwilling to create a prejudice against my opponent by giving to me the title of king, I am at a loss to determine why they have thought proper to prejudice my cause by withdrawing that title from me during the dependence of the controversy. I am in possession of the kingdom. All my subjects call me king, and by that title do other kings and royal princes address me; but I perceive that my spiritual parents assume an evident partiality amongst their sons. Had you," he continued, "presumed to present letters so addressed to other kings, you might have received an answer in a different style. But I reverence your authority, and entertain all due respect for the Holy See." The messengers now requested that the king would command a temporary cessation of hostilities. "To this," replied Bruce, "I can by no means consent without the advice of my parliament, and especially whilst the English are in the daily practice of spoiling the property of my subjects and invading all parts of my realm." During this interview, the king expressed himself with great courtesy, professing all respect for his spiritual father, and delivering his resolute answers with a mild and placid countenance.[1] The two nuncios, it seems, had taken along with them into the king's presence another Papal messenger, who, having come some time before to inform the Scottish prelates of the coronation of the Pope, had been refused admission into Scotland. For this person, who had now waited some months without being permitted to execute his mission, the messengers entreated the king's indulgence; but Bruce, although the discarded envoy stood in the presence-chamber, took no notice of him, and changed the subject with an expression of countenance which at once imposed silence and intimated a refusal. When the nuncios questioned the secretaries of the king regarding the cause of this severity, they at once replied that their master conceived that these letters had not been addressed to him, solely because the Pope was unwilling to give him his royal titles. The Scottish councillors informed the nuncios that if the letters had been addressed to the King of Scots, the negotiations for peace would have immediately commenced, but that neither the king nor his advisers would hear of a treaty so long as the royal title was withheld, seeing that they were convinced that this slight had been put upon their sovereign through the influence of England, and in contempt of the people of Scotland.[2]

Repulsed by Bruce with so much firmness and dignity, the Bishop of Corbeil returned with haste to the cardinals. They had remained all this time at Durham, and anxious to fulfil their mission, they now determined at all hazards to publish the Papal truce in Scotland. For this purpose the Papal bulls and instruments were in-

[1] These interesting particulars we learn from the original letter of the nuncios themselves. Rymer, Fœdera, vol. iii. p. 662.

[2] Rymer, Fœdera, vol. iii. p. 661.

trusted to Adam Newton, the Father-Guardian of the Minorite Friars of Berwick, who was commanded to repair to the presence of Bruce, and to deliver the letters of his Holiness to the King of Scotland, as well as to the Bishop of St Andrews and the Scottish prelates. Newton accordingly set out for Scotland, but, anticipating no cordial reception, cautiously left the Papal bulls and letters at Berwick until he should be assured of a safe-conduct. After a journey of much hardship and peril, the friar found King Robert encamped with his army in a wood near Old Cambus, a small town about twelve miles distant from Berwick, busily engaged in constructing warlike engines for the assault of that city, although it was now the middle of December. Having conferred with Lord Alexander Seton, the seneschal of the king, and received a safe-conduct, Newton returned for his papers and credentials to Berwick, and again repaired to Old Cambus. He was then informed by Seton that Bruce would not admit him to a personal interview, but that he must deliver to him his letters, in order to their being inspected by the king, who was anxious to ascertain whether their contents were friendly or hostile. Newton obeyed, and Bruce observing that the letters and Papal instruments were not addressed to him as King of Scotland, returned them to the friar with much contempt, declaring that he would on no account obey the bulls so long as his royal titles were withheld, and that he was determined to make himself master of Berwick. The envoy then publicly declared before the Scottish barons and a great concourse of spectators that a two years' truce was, by the authority of the Pope, to be observed by the two kingdoms; but his proclamation was treated with such open marks of insolence and contempt, that he began to tremble for the safety of his person, and earnestly implored them to permit him to pass forward into Scotland to the presence of those prelates with whom he was commanded to confer, or, at least, to have a safe-conduct back again to Berwick. Both requests were denied him, and he was commanded, without delay, to make the best of his way out of the country. On his way to Berwick, the unfortunate monk was waylaid by four armed ruffians, robbed of his letters and papers, amongst which were the bulls excommunicating the King of Scotland, and, after being stript to the skin, turned naked upon the road. "It is rumoured," says he, in an interesting letter addressed to the cardinals containing the account of his mission, "that the Lord Robert and his accomplices, who instigated this outrage, are now in possession of the letters intrusted to me."[1] There can be little doubt that the rumour rested on a pretty good foundation.

Throughout the whole of this negotiation, the Pope was obviously in the interest of the King of England. Edward's intrigues at the Roman court, and the pensions which he bestowed on the cardinals, induced his Holiness to proclaim a truce, which, in the present state of English affairs, was much to be desired; but Bruce, supported by his own clergy, and secure of the affections of his people, despised all Papal interference, and succeeded in maintaining the dignity and independence of his kingdom.

Having rid himself of such troublesome opposition, the Scottish king determined to proceed with the siege of Berwick, a town which, as the key to England, was at this time fortified in the strongest manner. Fortunately for the Scots, Edward had committed its defence to a governor, whose severity and strict adherence to discipline had disgusted some of the burgesses; and one of these, named Spalding,[2] who had married a Scotch-woman, was seduced from his allegiance, and determined, on the night when it was his turn to take his part in the watch rounds, to assist the enemy in an escalade. This purpose he communicated to the Marshal, and

[1] Rymer, Fœdera, pp 683, 684.

[2] Hardynge in his Chronicle, p. 308, Ellis' edition, tells us that Spalding, after betraying the town, went into Scotland, and was slain by the Scots.

he carried the intelligence directly to Bruce himself, who was not slow in taking advantage of it.[1] Douglas and Randolph, along with March, were commanded to assemble with a chosen body of men at Duns Park in the evening: and at nightfall, having left their horses at the rendezvous, they marched to Berwick; and, by the assistance of Spalding, fixed their ladders, and scaled the walls. Orders seem to have been given by Bruce that they should not proceed to storm the town till reinforced by a stronger body; but Douglas and Randolph found it impossible to restrain their men, who dispersed themselves through the streets, to slay and plunder, whilst, panic-struck with the night attack, the citizens escaped over the walls, or threw themselves into the castle. When day arrived, this disobedience of orders had nearly been fatal to the Scots; for Roger Horsley, the governor of the castle,[2] discovering that they were but a handful of men, made a desperate sally, and all but recovered the city. Douglas, however, and Randolph, who were veterans in war, and dreaded such an event, had kept their own soldiers well together, and, assisted by a young knight, Sir William Keith of Galston, who greatly distinguished himself, they at last succeeded in driving the English back to the castle; thus holding good their conquest of the town, till Bruce came up with the rest of his army, and effectually secured it. The presence of the king, with the men of Merse and Teviotdale, intimidated the garrison of the castle, which soon surrendered; and Bruce, with that generous magnanimity which forms so fine a part of his character, disdaining to imitate the cruelty of Edward the First, readily gave quarter to all who were willing to accept it. For this we have the testimony of the English historians, Thomas de la More, and Adam Murimuth, although the Pope, in his bull of excommunication, represents him as having seized Berwick by treachery during a time of truce; and charges him, moreover, with having committed a great and cruel slaughter of the inhabitants. Both accusations are unfounded.[3] The truce was publicly disclaimed by the king, and the city was treated with uncommon lenity. It was at this time the chief commercial emporium of England, and its plunder greatly enriched the Scottish army. There were also found in it great quantities of provisions and military stores, and Bruce, after having examined the fortifications, determined to make it an exception from his general rule of demolishing all fortresses recovered from the English.[4] In execution of this plan, he committed the keeping of both town and castle to his son-in-law, Walter, the Steward; and aware that, from its importance, the English would soon attempt to recover it, he provided it with every sort of warlike engine then used in the defence of fortified places. Springalds and cranes, with huge machines for discharging iron darts, called *balistæ de turno*, were stationed on the walls; a large body of archers, spearmen, and cross-bowmen, formed the garrison; and the young Steward was assisted in his measures of defence by John Crab, a Fleming, famous for his skill in the rude engineering of the times.[5] Five hun-

[1] Barbour, p. 334.

[2] Rotuli Scotiæ, vol. i. p. 175, 19th August. Lord Hailes, vol. ii. p. 78, seems to think it an error in Tyrrel to imagine that there was a governor of the town, and a governor of the castle. But Tyrrel is in the right. John of Witham was governor or warder of the town, Rot. Scot. vol. i. p. 178, 30th Sept. 1317; and Roger of Horsle governor of the castle, Rotuli Scotiæ, p. 175. Maitland, vol. i. p. 490, and Guthrie, vol. ii. p. 254, finding in Rymer, vol. iii. p. 516, that Maurice de Berkeley was governor of the town and castle of Berwick in 1315, erroneously imagine that he continued to be so in 1318.

[3] Rymer, Fœdera, vol. iii. pp. 708, 709.

[4] Fordun a Goodal, p. 245.

[5] Barbour, pp. 339, 340. Crab seems to have been a mercenary who engaged in the service of any who would employ him. In 1313, Edward the Second complained of depredations committed by him on some English merchants, to his sovereign, Robert, earl of Flanders. Fœdera, vol. iii. p. 403. In August 1333, after Berwick fell into the hands of the English, Crab obtained a pardon, and entered into the service of England.

dred brave gentlemen, who quartered the arms of the Steward, repaired to Berwick, to the support of their chief; and Bruce, having left it victualled for a year, marched with his army into England, and ravaged and laid waste the country. He besieged and made himself master of the castles of Wark and Harbottle, surprised Mitford, and having penetrated into Yorkshire, burnt the towns of Northallerton, Boroughbridge, Scarborough, and Skipton in Craven. The plunder in these expeditions was great, and the number of the captives may be estimated from the expression of an ancient English chronicle, that the Scots returned into their own country, driving their prisoners like flocks of sheep before them.[1]

Irritated at the contempt of their authority, the cardinal legates solemnly excommunicated Bruce[2] and his adherents; whilst Edward, after an ineffectual attempt to conciliate his parliament and keep together his army, was compelled, by their violent animosities, to disband his troops, and allow the year to pass away in discontent and inactivity. Meanwhile, the death of King Edward Bruce in Ireland, and of Marjory, the king's daughter, who left an only son, Robert, afterwards king, rendered some new enactments necessary regarding the succession to the throne. A parliament was accordingly assembled at Scone in December, in which the whole clergy and laity renewed their engagements of obedience to the king, and promised to assist him faithfully, to the utmost of their power, in the preservation and defence of the rights and liberties of the kingdom, against all persons of whatever strength, power, and dignity they may be; and any one who should attempt to violate this engagement and ordinance was declared guilty of treason. It was next enacted that, in the event of the king's death, without issue male, Robert Stewart, son of the Princess Marjory and of Walter, the Lord High Steward of Scotland, should succeed to the crown; and in the event of that succession taking place during the minority of Robert Stewart, or of other heir of the king's body, it was appointed that the office of tutor to the heir of the kingdom should belong to Thomas Randolph, earl of Moray, and failing him, to James, lord Douglas; but it was expressly provided that such appointment should cease whenever it appeared to the majority of the community of the kingdom that the heir is of fit age to administer the government in person It was also declared that since, in certain times past, some doubts had arisen regarding the succession of the kingdom of Scotland, the parliament thought proper to express their opinion that this succession ought not to have been regulated, and henceforth should not be determined, by the rules of inferior fiefs and inheritances, but that the male heir nearest to the king, in the direct line of descent, should succeed to the crown; and failing him, the nearest female in the direct line; and failing the whole direct line, the nearest male heir in the collateral line—respect being always had to the right of blood by which the last king reigned, which seemed agreeable to the imperial law.[3]

This enactment having been unanimously agreed to, Randolph and Douglas came forward, and, after accepting the offices provisionally conferred upon them, swore, with their hands on the holy gospels and the relics of the saints, faithfully and diligently to discharge their duty, and to observe, and cause to be observed, the laws and customs of Scotland. After this, the bishops, abbots, priors, and inferior clergy, the earls, barons, knights, freeholders, and the remanent members of the community of Scotland, in the same solemn manner took the same oath, and those of the highest rank affixed their seals to the instrument of succession.[4]

Having settled this important matter, various other laws were passed,

1 Chron. Lanercost, pp. 235, 236.
2 Rymer, Fœdera, vol. iii. pp. 707, 711.
3 Fordun a Goodal. vol. ii. p. 290.
4 Ibid. vol. i. p. 291.

relative to the military power, and to the ecclesiastical and civil government of the kingdom. All men were required to array themselves for war. Every layman possessed of land, who had ten pounds worth of movable property, was commanded to provide himself with an acton and a *basnet*, that is, a leathern jacket and a steel helmet, together with gloves of plate, and a sword and spear. Those who were not thus provided were enjoined to have an iron jack, or back and breastplate of iron, an iron head-piece, or *knapiskay*, with gloves of plate; and every man possessing the value of a cow was commanded to arm himself with a bow and a sheaf of twenty-four arrows, or with a spear.[1] It was made imperative upon all sheriffs and lords to insist on the execution of this law; and in case of disobedience, to cause the recusant to forfeit his movable estate, half to the king, and half to his overlord, or superior. All persons, while on the road to the royal army, were commanded to subsist at their own charges; those who came from places near the rendezvous being commanded to bring carriages and provisions along with them, and those from remote parts to bring money; and if, upon an offer of payment, such necessaries were refused, the troops were authorised, at the sight of the magistrates or bailies of the district, to take what was withheld. All persons were strictly prohibited from supplying the enemy with armour or horses, bows and arrows, or any kind of weapons, or to give to the English assistance in any shape whatever, and this under the penalty of being guilty of a capital offence. All ecclesiastics were prohibited from transmitting to the Papal court any sums of money for the purchase of bulls; and all Scotsmen, who, although possessed of estates in their own country, chose to reside in England, were prohibited from drawing any money out of Scotland,—a clause apparently directed against David de Strabogie, earl of Athole, who at this time stood high in the confidence of Edward the Second.[2]

This weak monarch, when he found that Bruce could not be brought to terms by negotiation, or intimidated by the Papal thunders, determined once more to have recourse to arms; and having assembled an army, he crossed the Tweed, and sat down before Berwick.[3] His first precaution was to secure his camp by lines of circumvallation, composed of high ramparts and deep trenches, so as to enable him to resist effectually any attempt of the Scots to raise the siege. He then strictly invested the town from the Tweed to the sea, and at the same time the English fleet entered the estuary of the river, so that the city was beleaguered on all points. This was in the beginning of September; and from the strength of the army and the quality of the leaders much was expected.[4]

The first assault was made on the 7th of the month; it had been preceded by great preparations, and mounds of earth had been erected against that part of the walls where it was expected there would be the greatest facility in storming. Early in the morning of St Mary's Eve, the trumpets of the English were heard, and the besiegers advanced in various bodies, well provided with scaling ladders, scaffolds, and defences, with hoes and pickaxes for mining, and under cover of squadrons of archers and slingers. The assault soon became general, and continued with various success till noon; at which time the English ships entered the river, and, sailing up as far as the tide permitted, made a bold attempt to carry the town, from the rigging of a vessel which they had prepared for the purpose. The topmast of this vessel, and her boat, which was drawn up half-mast high, were manned with soldiers; and to the bow of the boat was fitted a species of drawbridge, which was intended to be dropt upon the wall, and to afford a passage from the ship

[1] Regiam Majestatem. Statutes of King Robert I. See Chartulary of Aberbrothock, p. 283. M'Farlane Transcript.

[2] Regiam Majestatem. Stat. Robert I.

[3] Barbour, p. 342.

[4] Ibid. p. 343.

into the town. The walls themselves, which were not more than a spear's length in height, afforded little defence against these serious preparations; but the Scots, animated by that feeling of confidence which a long train of success had inspired, and encouraged by the presence and example of the Steward, effectually repulsed the enemy on the land side, whilst the ship, which had struck upon a bank, was left dry by the ebbing of the tide; and being attacked by a party of the enemy, was soon seen blazing in the mouth of the river. Disheartened by this double failure, the besiegers drew off their forces, and for the present intermitted all attack.[1] But it was only to commence new preparations for a more desperate assault. In case of a second failure in their escalade, it was determined to undermine the walls; and for this purpose, a huge machine was constructed, covered by a strong roofing of boards and hides, and holding within its bosom large bodies of armed soldiers and miners. From its shape and covering, this formidable engine was called a *sow*. To co-operate with the machine, movable scaffolds, high enough to overtop the walls, and capable of receiving parties of armed men, were erected for the attack; and undismayed at his first failure by sea, Edward commanded a number of ships to be fitted out similar to that vessel which had been burnt; but with this difference, that in addition to the armed boats, slung half-mast high, their top-castles were full of archers, under whose incessant and deadly discharge it was expected that the assailants would drag the ship so near the walls as to be able to fix their movable bridges on the capstone.[2] Meanwhile the Scots were not idle. Under the direction of Crab, the Flemish engineer, they constructed two machines of great strength, similar to the Roman catapult, which moved on frames, fitted with wheels, and by which stones of a large size were propelled with steady aim and destructive force. Springalds were stationed on the walls, which were smaller engines like the ancient balistæ, and calculated for the projection of heavy darts, winged with copper; iron chains, with grappling hooks attached to them, and piles of fire-fagots, mixed with bundles of pitch and flax, bound into large masses, shaped like casks, were in readiness; and to second the ingenuity of Crab, an English engineer, who had been taken prisoner in the first assault, was compelled to assist in the defence. The young Steward assigned, as before, to each of his officers a certain post on the walls, and put himself at the head of the reserve, with which he determined to watch, and, if necessary, to reinforce the various points. Having completed these arrangements, he calmly awaited the attack of the English, which was made with great fury early in the morning of the 13th of September. To the sound of trumpet and war-horns, their various divisions moved resolutely forward; and, in spite of all discharges from the walls, succeeded in filling up the ditch, and fixing their ladders; but after a conflict, which lasted from sunrise till noon, they found it impossible to overcome the gallantry of the Scots, and were beaten back on every quarter. At this moment the King of England ordered the sow to be advanced; and the English, aware that if they allowed the Scottish engineers time to take a correct aim, a single stone from the catapult would be fatal, dragged it on with great eagerness. Twice was the aim taken, and twice it failed. The stone flew over the machine, the first second fell short of it; the third, an immense mass, which passed through the air with a loud booming noice, hit it directly in the middle with a dreadful crash, and shivered its strong roof-timbers into a thousand pieces. Such of the miners and soldiers who escaped death rushed out from amongst the fragments; and the Scots, raising a shout, cried out that the English sow had farrowed her pigs.[3] Crab, the engineer, immediately cast his chains

[1] Barbour, pp. 345, 346.
[2] Ibid. pp. 351, 352.
[3] Barbour, p. 354.

and grappling hooks over the unwieldy machine, and having effectually prevented its removal, poured down burning fagots upon its broken timbers, and consumed it to ashes. Nor were the English more fortunate in their attack upon the side of the river. Their ships, indeed, moved up towards the walls at flood-tide; but whether from the shallowness of the water, or the faint-heartedness of their leaders, the attack entirely failed. One of the vessels which led the way, on coming within range of the catapult, was struck by a large stone, which damaged her, and killed and mangled some of the crew; upon which the remaining ships, intimidated by the accident, drew off from the assault. A last effort of the besiegers, in which they endeavoured to set fire to St Mary's gate, was repulsed by the Steward in person; and at nightfall the English army, foiled on every side, and greatly disheartened, entirely withdrew from the assault.[1]

The spirit with which the defence was carried on may be estimated from the circumstance that the women and boys in the town during the hottest season of the assault supplied the soldiers on the walls with bundles of arrows, and stones for the engines.

Although twice beaten off, it was yet likely that the importance of gaining Berwick would have induced the King of England to attempt a third attack; but Bruce determined to raise the siege by making a diversion on a large scale, and directed Randolph and Douglas, at the head of an army of fifteen thousand men, to invade England. During the presence of her husband at the siege of Berwick, the Queen of England had taken up her quarters near York, and it was the plan of these two veteran warriors, by a rapid and sudden march through the heart of Yorkshire, to seize the person of the queen, and, with this precious captive in their hands, to dictate the terms of peace to her husband.[2] Bruce, who, in addition to his talents in the field, had not neglected to avail himself in every way of Edward's unpopularity, appears to have established a secret correspondence, not only with the Earl of Lancaster, who was then along with his master before Berwick, but with others about the queen's person.[3] The plan had in consequence very nearly been successful; but a Scottish prisoner, who fell into the hands of the English, gave warning of the meditated attack, and Randolph, on penetrating to York, found the prey escaped, and the court removed to a distance. Incensed at this disappointment, they ravaged the surrounding country with merciless execution, marking their progress by the flames and smoke of towns and castles, and collecting much plunder.

The military strength of the country was at this time before Berwick, and nothing remained but the forces of the Church, and of the vassals who held lands by military service to the archiepiscopal see. These were hastily assembled by William de Melton, the archbishop of York, assisted by the Bishop of Ely,[4] and a force of twenty thousand men, but of a motley description, proceeded to intercept the Scots. Multitudes of priests and monks, whose shaved crowns suited ill with the steel basnet—large bodies of the feudal militia of the Church, but hastily levied, and imperfectly disciplined—the mayor of York, with his train-bands and armed burgesses, composed the army which the archbishop, emulous, perhaps, of the fame which had been acquired in the battle of the Standard, by his predecessor Thurstin, too rashly determined to lead against the experienced soldiers of Randolph and Douglas. The result was what might have been expected. The Scots were encamped at Mitton, near the small river Swale. Across the stream there was then a bridge, over which the English army defiled. Whilst thus occupied, some large stacks of

[1] Barbour, p. 357.

[2] "Certe si capta fuisset tunc Regina, credo quod pacem emisset sibi Scotia."—M. Malmesbur. p. 192.

[3] Walsingham, pp. 111, 112.

[4] Rotuli Scotiæ, vol. i. p. 202. 4th Sept., 13 Edw. II.

hay were set on fire by the enemy,[1] and, under cover of a dense mass of smoke, a strong column of men threw themselves between the English army and the bridge. As the smoke cleared away, they found themselves attacked with great fury both in front and rear, by the fatal long spear of the Scottish infantry; and the army of the archbishop was in a few moments entirely broken and dispersed.[2] In an incredibly short time four thousand were slain, and amongst these many priests, whose white surplices covered their armour. Great multitudes were drowned in attempting to recross the river, and it seems to have been fortunate for the English that the battle was fought in the evening, and that a September night soon closed upon the field; for, had it been a morning attack, it is probable that Randolph and Douglas would have put the whole army to the sword. Three hundred ecclesiastics fell in this battle; from which circumstance, and in allusion to the prelates who led the troops, it was denominated, in the rude pleasantry of the times, "The Chapter of Mitton." When the news of the disaster reached the camp before Berwick, the troops began to murmur, and the Earl of Lancaster soon after, in a fit of disgust, deserted the leaguer with his whole followers, composing nearly a third part of the army.[3] Edward immediately raised the siege, and made a spirited effort to intercept Douglas and Randolph on their return, and compel them to fight at a disadvantage; but he had to deal with veteran soldiers, whose secret information was accurate, and who were intimately acquainted with the Border passes. While he attempted to intercept them by one road, they had already taken another, and leaving their route to be traced, as their advance had been, by the flames and smoke of villages and hamlets, they returned, without experiencing a check, into Scotland, loaded with booty, and confirmed in their feeling of military superiority. It may give some idea of the far-spreading devastation occasioned by this and similar inroads of the Scottish army when it is stated that in an authentic document in the Fœdera Angliæ it appears that eighty-four towns and villages were burnt and pillaged by the army of Randolph and Douglas in this expedition. These, on account of the great losses sustained, are, by a royal letter addressed to the tax-gatherers of the West Riding of Yorkshire, exempted from all contribution;[4] and in this list the private castles and hamlets which were destroyed in the same fiery inroad do not appear to be included.

Bruce could not fail to be particularly gratified by these successes. Berwick, not only the richest commercial town in England, but of extreme importance as a key to that country, remained in his hands, after a siege directed by the King of England in person; and the young warrior who had so bravely repulsed the enemy was the Steward of Scotland, the husband of his only daughter, on whom the hopes and wishes of the nation mainly rested. The defeat upon the Swale was equally destructive and decisive, and it was followed up by another expedition of the restless and indefatigable Douglas, who, about All-Hallow tide of the same year, when the northern Borders had gathered in their harvest, broke into and burnt Gillsland and the surrounding country, ravaged Borough-on-Stanmore, and came sweeping home through Westmoreland and Cumberland, driving his cattle and his prisoners before him, and cruelly adding to the miseries of the recent famine, by a total destruction of the agricultural produce, which had been laid up for the winter.[5]

It was a part of the character of Bruce, which marked his great abilities, that he knew as well when to make peace as to pursue war; and that, after any success, he could select the

[1] Hardynge's Chronicle, p. 309.
[2] J. de Trokelowe, p. 45. Hume's Douglas and Angus, vol. i. pp. 69, 70. Barbour, p. 350.
[3] Barbour, p. 359.
[4] Rymer, Fœdera, vol. iii. pp. 801, 802.
[5] Hume's Douglas and Angus, vol. i. p. 70

moment best fitted for permanently securing to his kingdom the advantages which, had he reduced his enemy to extremity, might have eluded his grasp. The natural consequence of a long series of defeats sustained by Edward was an anxious desire upon his own part, and that of his parliament, for a truce between the kingdoms;[1] and as the Scots were satiated with victory, and, to use the words of an English historian, so enriched by the plunder of England that that country could scarcely afford them more, the Scottish king lent a ready ear to the representations of the English commissioners, and agreed to a truce for two years between the kingdoms, to commence from Christmas 1319. Conservators of the truce were appointed by England,[2] and, in the meantime, commissioners of both nations were directed to continue their conferences, with the hope of concluding a final peace.

One great object of Bruce in consenting to a cessation of hostilities, was his earnest desire to be reconciled to the Roman See—a desire which apparently was far from its accomplishment; for the Pope, instead of acting as a peace-maker, seized this moment to reiterate his spiritual censures against the King of Scotland and his adherents, in a bull of great length, and unexampled rancour;[3] and some time after the final settlement of the truce, the Archbishop of York, with the Bishops of London and Carlisle, were commanded—and the order is stated to have proceeded on information communicated by Edward—to excommunicate Robert and his accomplices, on every Sabbath and festival-day throughout the year.[4]

Convinced by this conduct that their enemies had been busy in misrepresenting at the Roman court their causes of quarrel with England, the Scottish nobility assembled in parliament at Aberbrothock,[5] and with consent of the king, the barons, freeholders, and whole community of Scotland, directed a letter or manifesto to the Pope, in a strain different from that servility of address to which the spiritual sovereign had been accustomed.

After an exordium, in which they shortly allude to the then commonly believed traditions regarding the emigration of the Scots from Scythia, their residence in Spain, and subsequent conquest of the Pictish kingdom; to their long line of a hundred and thirteen kings, (many of whom are undoubtedly fabulous;) to their conversion to Christianity by St Andrew, and the privileges which they had enjoyed at the hands of their spiritual father, as the flock of the brother of St Peter, they describe, in the following energetic terms, the unjust aggression of Edward the First:—

"Under such free protection did we live, until Edward, king of England, and father of the present monarch, covering his hostile designs under the specious disguise of friendship and alliance, made an invasion of our country at the moment when it was without a king, and attacked an honest and unsuspicious people, then but little experienced in war. The insults which this prince has heaped upon us, the slaughters and devastations which he has committed; his imprisonments of prelates, his burning of monasteries, his spoliations and murder of priests, and the other enormities of which he

[1] Walsingham, p. 112. "Igitur Rex, sentiens quotidie sua damna cumulari, de communi consilio in treugas jurat biennales, Scotis libenter has acceptantibus, non tamen quia jam fuerant bellis fatigati, sed quia fuerant Anglica præda ditati." Lingard says nothing of the request of the parliament, that Edward would enter into a truce with the Scots, but observes, that the first proposal for a negotiation came from Scotland, and that the demand for the regal title was waved by Bruce. The truce itself is not published in Rymer, so that there is no certain proof that Bruce waved the regal title; and although, in the document in Rymer, vol. iii. p. 806, Edward, in a letter to the Pope, states that Bruce made proposals for a truce, the evidence is not conclusive, as Edward, in his public papers, did not scruple to conceal his disasters, by assuming a tone of superiority, when his affairs were at the lowest ebb.

[2] This is said to be the first instance of the appointment of Conservators of truce for the Borders. Ridpath, Border Hist. p. 265.

[3] Rymer, Fœdera, vol. iii. p. 797.

[4] Rymer, Fœdera, vol. iii. p. 810.

[5] April 6, 1320. Fordun a Goodal, vol. ii. p. 277.

has been guilty, can be rightly described, or even conceived, by none but an eye-witness. From these innumerable evils have we been freed, under the help of that God who woundeth and who maketh whole, by our most valiant prince and king, Lord Robert, who, like a second Maccabæus or Joshua, hath cheerfully endured all labour and weariness, and exposed himself to every species of danger and privation, that he might rescue from the hands of the enemy his ancient people and rightful inheritance, whom also Divine Providence, and the right of succession according to those laws and customs, which we will maintain to the death, as well as the common consent of us all, have made our prince and king. To him are we bound both by his own merit and by the law of the land, and to him, as the saviour of our people and the guardian of our liberty, are we unanimously determined to adhere; but if he should desist from what he has begun, and should shew an inclination to subject us or our kingdom to the King of England or to his people, then we declare that we will use our utmost effort to expel him from the throne as our enemy and the subverter of his own and of our right, and we will choose another king to rule over us, who will be able to defend us; for as long as a hundred Scotsmen are left alive we will never be subject to the dominion of England. It is not for glory, riches, or honour that we fight, but for that liberty which no good man will consent to lose but with his life.

"Wherefore, most reverend father, we humbly pray, and from our hearts beseech your Holiness to consider that you are the vicegerent of Him with whom there is no respect of persons, Jews or Greeks, Scots or English; and turning your paternal regard upon the tribulations brought upon us and the Church of God by the English, to admonish the King of England that he should be content with what he possesses, seeing that England of old was enough for seven or more kings, and not to disturb our peace in this small country, lying on the utmost boundaries of the habitable earth, and whose inhabitants desire nothing but what is their own."

The barons proceed to say that they are willing to do everything for peace which may not compromise the freedom of their constitution and government; and they exhort the Pope to procure the peace of Christendom, in order to the removal of all impediments in the way of a crusade against the infidels; declaring the readiness with which both they and their king would undertake that sacred warfare if the King of England would cease to disturb them. Their conclusion is exceedingly spirited:—

"If," say they, "your Holiness do not sincerely believe these things, giving too implicit faith to the tales of the English, and on this ground shall not cease to favour them in their designs for our destruction, be well assured that the Almighty will impute to you that loss of life, that destruction of human souls, and all those various calamities which our inextinguishable hatred against the English and their warfare against us must necessarily produce. Confident that we now are, and shall ever, as in duty bound, remain obedient sons to you, as God's vicegerent, we commit the defence of our cause to that God, as the great King and Judge, placing our confidence in Him, and in the firm hope that He will endow us with strength and confound our enemies; and may the Almighty long preserve your Holiness in health."

This memorable letter is dated at Aberbrothock on the 6th of April 1320, and it is signed by eight earls and thirty-one barons, amongst whom we find the great officers, the high steward, the seneschal, the constable, and the marshal, with the barons, freeholders, and whole community of Scotland.[1]

The effect of such a remonstrance, and the negotiations of Sir Edward Mabuisson and Sir Adam de Gordon, two special messengers, who were sent

[1] A fac-simile of this famous letter was engraved by Anderson, in his Diplomata Scotiæ, plate 51. Fordun a Goodal, vol. ii. p. 275.

by Bruce to the Papal court, induced his Holiness to delay for some time the reiterated publication of the Papal processes, and earnestly to recommend a peace between the two countries. For this purpose a meeting took place between certain Scottish and English commissioners, which was attended by two envoys from the King of France, who entreated to be allowed to act as a mediator, and by two nuncios from the Pope. But Edward was not yet sufficiently humbled to consent to the conditions stipulated by his antagonist; and Bruce was the less anxious to come to an agreement, as a dangerous civil insurrection, headed by the Earl of Lancaster, his secret friend and ally, had just broke out in England, and promised to give Edward full employment at home.[1]

In the midst of these unsuccessful negotiations for peace, a conspiracy of an alarming and mysterious nature against the life of the King of Scots was discovered, by the confession of the Countess of Strathern, who was privy to the plot. William de Soulis, the seneschal, or high butler of Scotland; Sir David de Brechin, nephew to the king, an accomplished knight, who had signalised himself in the Holy War; five other knights, Sir Gilbert de Malherbe, Sir John Logie, Sir Eustace de Maxwell, Sir Walter de Berklay, and Sir Patrick de Graham; with three esquires, Richard Brown, Hameline de Troupe, and Eustace de Rattray, are the only persons whose names have come down to us as certainly implicated in the conspiracy. Of these, Sir David de Brechin, along with Malherbe, Logie, and Brown, suffered the punishment of treason.[2] The destruction of all record of their trial renders it difficult to throw any light on the details of the plot; but we have the evidence of a contemporary of high authority that the design of the conspirators was to slay the king, and place the crown on the head of Lord Soulis, a lineal descendant of the daughter of Alexander II.; and who, as possessing such a claim, would have excluded both Bruce and Baliol, had the legitimacy of his mother been unquestioned.[3] There is evidence in the records of the Tower that both Soulis and Brechin had long tampered with England, and been rewarded for their services. In the case of Brechin, we find him enjoying special letters of protection from Edward. In addition to these he was pensioned in 1312, was appointed English warden of the town and castle of Dundee, and employed in secret communications, having for their object the destruction of his uncle's power in Scotland, and the triumph of the English arms over his native country. It is certain that he was a prisoner of war in Scotland in the year 1315,[4] having probably been taken in arms at the battle of Bannockburn. In the five years of glory and success which followed, and in the repeated expeditions of Randolph and Douglas, we do not once meet with his name; and now, after having been received into favour, he became connected with, or at least connived at, a conspiracy, which involved the death of the king. Such a delinquent is little entitled to our sympathy. There was not a single favourable circumstance in his case; but he was young and brave, he had fought against the infidels, and the people who knew not of his secret treasons could not see him suffer without pity and regret.[5] Soulis, who, with a retinue of three hundred and sixty esquires, had been seized at Berwick, was imprisoned in Dumbarton, where he soon after died; and Maxwell, Berklay, Graham, Troupe, and Rattray, were tried and acquitted. The parliament in which these trials and condemnations took place was held at Scone in the beginning of August 1320, and long remembered in Scotland under the name of the Black Parliament.[6]

[1] Rymer's Fœdera, vol. iii. pp. 866, 884. Ridpath's Border History, p. 267. Rymer, vol. iii. p. 924.

[2] Fordun a Hearne, vol. iv. p. 1010.

[3] Barbour, p. 380, l. 385.

[4] Rymer, Fœdera, vol. iii. p. 311. Rotuli Scotiæ, 5 Edw. II. m. 3. Ibid. 8 Edw. II. m. 7, dorso.

[5] Barbour, pp. 381, 382.

[6] Hailes, trusting perhaps to Bower in his additions to Fordun, p. 174, who was ignorant

A brief gleam of success now cheered the prospects of Edward, and encouraged him to continue the war with Scotland. The Earl of Lancaster, who, along with the Earl of Hereford and other English barons, had entered into a treaty of alliance with Bruce, and concerted an invasion of England, to be conducted by the King of Scotland in person,[1] was defeated and taken prisoner by Sir Andrew Hartcla and Sir Simon Ward, near Pontefract; his army was totally routed, and he himself soon after executed for treason.

In the battle the Earl of Hereford was slain, others of the discontented nobility shared the fate of Lancaster, and the dangerous faction which had for so many years been a thorn in the side of the king was entirely broken and put down. Exulting at this success, Edward determined to collect an army which should at once enable him to put an end to the war, and in a tone of premature triumph wrote to the Pope, "requesting him to give himself no further trouble about a truce with the Scots, as he had determined to establish a peace by force of arms."[2] In furtherance of this resolution, he proceeded to issue his writs for the attendance of his military vassals; but so ill were these obeyed, that four months were lost before the force assembled; and in this interval the Scots, with their usual strength and fury, broke into England, led by the king in person, wasted with fire and sword the six northern counties, which had scarcely drawn breath from a visitation of the same kind by Randolph, and returned to Scotland, loaded with booty, consisting of herds of sheep and oxen, quantities of gold and silver, ecclesiastical plate and ornaments, jewels, and table equipage, which they piled in waggons, and drove off at their pleasure.[3] Meanwhile Edward continued his preparations, which, although dilatory, were on a great scale.[4] A supply of lancemen and cross-bowmen was demanded from his foreign subjects of Aquitaine, along with a due proportion of wheat and a thousand tuns of wine for the use of his army; every village and hamlet in England was commanded to furnish one foot-soldier fully armed, and the larger towns and cities were taxed proportionally to their size and importance. A parliament held at York, in the end of July, granted large subsidies from the nobles and the clergy, the cities, towns, and burghs; a fleet of transports, with provisions, was sent round to enter the Forth; and an offensive squadron, under the command of Sir John Leybourn, was fitted out for the attack of the west coast and the islands. All things being ready, Edward invaded Scotland at the head of an army of a hundred thousand men;[5] but the result of the expedition was lamentably disproportionate to the magnitude of his promises and his preparations; and manifested, in a striking manner, the superior talents and policy of Bruce.

No longer bound, as at Bannockburn, by the rash engagement of his brother to risk his kingdom upon the fate of a battle, which he must have fought with a greatly disproportionate force, the king determined to make the numbers of the English army the cause of their ruin; to starve them in an enemy's country, and then to fall upon them when, enfeebled by want, they could offer little resistance. Accordingly, on advancing to Edinburgh, the English found themselves marching through a desert, where neither enemy could be seen, nor provisions of any kind collected. The cattle and the sheep, the stores of corn and victuals, and the valuable effects of every kind, throughout the districts of the Merse, Teviot-

of Brechin's connexion with Edward, laments over Brechin, and creates an impression in the reader's mind that Bruce was unnecessarily rigorous, and might have pardoned him; yet, it seems to me, his case, instead of being favourable, was peculiarly aggravated. Bruce's generous nature had passed over manifold attempts by Brechin against the liberty of his country: in the conspiracy of Soulis, any extension of mercy would have been weak, if not criminal.

[1] Fœdera, vol iii. pp. 938, 939.

[2] Rymer, Fœdera, vol. iii. p. 944.

[3] Knighton, p. 2542. Hume's History of House of Douglas and Angus, vol. i. p. 72.

[4] Rymer, Fœdera, vol. iii. pp. 930, 952, 955, 962.

[5] In the month of August 1322.

dale, and the Lothians, had entirely disappeared; the warlike population, which were expected to debate the advance of the army, had retired under the command of the King of Scotland to Culross, on the north side of the Firth of Forth; and Edward having in vain waited for supplies by his fleet, which contrary winds prevented entering the Firth, was compelled by famine to give orders for a retreat.[1] The moment the English began their march homewards, the Scots commenced the fatal partisan warfare in which Douglas and Randolph were such adepts; hung upon their rear, cut off the stragglers, and were ready to improve every advantage. An advanced party of three hundred strong were put to the sword by Douglas at Melrose; but the main army, coming up, plundered and destroyed this ancient monastery, spoiled the high altar of its holiest vessels, sacrilegiously casting out the consecrated host, and cruelly murdering the prior, and some feeble monks, who, from affection or bodily infirmity, had refused to fly.[2] Turning off by Dryburgh, the disappointed invaders left this monastery in flames, and hastening through Teviotdale, were overjoyed once more to find themselves surrounded by the plenty and comfort of their own country. Yet here a new calamity awaited them; for the scarcity and famine of an unsuccessful invasion induced the soldiers to give themselves up to unlimited indulgence; and they were soon attacked by a mortal dysentery, which rapidly carried off immense numbers, and put a finishing stroke to this unhappy expedition, by the loss of sixteen thousand men.[3]

But Edward was destined to experience still more unhappy reverses. Having collected the scattered remains of his army, and strengthened it by fresh levies, he encamped at Biland Abbey, near Malton, in Yorkshire; and when there, was met by the intelligence that King Robert, having sat down before Norham castle with a powerful force, after some time fruitlessly spent in the siege, had been compelled to retire. Scarce, however, had this good news arrived, when the advanced parties of the Scottish army were descried; and the English had only time to secure a strong position on the ridge of a hill, before the king was seen marching through the plain with his whole forces, and it became manifest that he meant to attack the English. This, however, from the nature of the ground, was no easy matter. Their soldiers were drawn up along the ridge of a rugged and steep declivity, assailable only by a single narrow pass, which led to Biland Abbey. This pass Sir James Douglas, with a chosen body of men, undertook to force; and as he advanced his banner, and the pennons of his knights and squires were marshalling and waving round him, Randolph, his friend and brother-in-arms, with four squires, came up, and joined the enterprise as a volunteer. The Scottish soldiers attacked the enemy with the utmost resolution, but they were received with equal bravery by Sir Thomas Ughtred[4] and Sir Ralph Cobham, who fought in advance of the column which defended the pass, and encouraged their men to a desperate resistance. Meanwhile, stones and other missiles were poured down upon the Scots from the high ground; and this double attack, with the narrowness of the pass, caused the battle to be exceeding obstinate and bloody. Bruce, whose eye intently watched every circumstance, determined now to repeat the manœuvre, by which, many years before, he entirely defeated the army of the Lord of Lorn, when it occupied ground similar to the present position of the English. He commanded the men of Argyle and the Isles to climb the

[1] Barbour, p. 370.

[2] Fordun a Hearne, p. 1011.

[3] Knighton, p. 2542. Barbour, pp. 373, 374. Fordun a Hearne, p. 1012.

[4] Ker, in his History of Bruce, vol. ii. p. 284, following Pinkerton, makes the name Enchter. The reading in Barbour, as restored by Dr Jamieson, is Thomas Ochtre. It is evidently the same name, and in all probability the same person, as Thomas de Uchtred, mentioned in vol. iii. p. 963, of the Fœdera, as the keeper of the castle and honour of Pickering, and described as being of the county of York.

rocky ridge, at some distance from the pass, and to attack and turn the flank of the force which held the summit. These orders the mountaineers, trained in their own country to this species of warfare, found no difficulty in obeying;[1] and the enemy were driven from the heights with great slaughter, whilst Douglas and Randolph carried the pass, and made way for the main body of the Scottish army.

So rapid had been the succession of these events, that the English king, confident in the strength of his position, could scarcely trust his eyes when he saw his army entirely routed, and flying in all directions; himself compelled to abandon his camp, equipage, baggage, and treasure, and to consult his safety by a precipitate flight, pursued by the young Steward of Scotland at the head of five hundred horse. It was with difficulty he escaped to Bridlington, having lost the privy seal in the confusion of the day.[2] This was the second time during this weak and inglorious reign that the privy seal of England had been lost amid the precipitancy of the king's flight from the face of his enemies. First, in the disastrous flight from Bannockburn, and now in the equally rapid decampment from the Abbey of Biland.[3] In this battle John of Bretagne, earl of Richmond, Henry de Sully, grand butler of France, and many other prisoners of note, fell into the hands of the enemy. Richmond was treated by the king with unusual severity, commanded into strict confinement, and only liberated after a long captivity, and at the expense of an enormous ransom. The cause of this is said to have been the terms of slight and opprobrium with which he had been heard to express himself against Bruce.[4] To Sully and other French knights, who had been taken at the same time, the king demeaned himself with that chivalrous and polished courtesy for which he was so distinguished; assuring them that he was well aware they had been present in the battle, not from personal enmity to him, but from the honourable ambition that good knights, in a strange land, must ever have, to shew their prowess; wherefore he entreated them, as well for their own sake as out of compliment to his friend, the King of France, to remain at head-quarters. They did so accordingly; and after some time, on setting out for France, were dismissed, not only free of ransom, but enriched with presents.[5] After this decisive defeat, the Scots plundered the whole country to the north of the Humber, and extended their ravages to Beverley, laying waste the East Riding with fire and sword, and levying from the towns and monasteries, which were rich enough to pay for their escape from plunder, large sums of redemption money.[6] The clergy and inhabitants of Beverley purchased their safety at the rate of four hundred pounds, being six thousand pounds of our present money. Loaded with booty, driving large herds of cattle before them, and rich in multitudes of captives, both of low and high degree, the Scottish army at length returned to their own country.[7]

The councils of the King of England continued after this to be weakened by dissension and treachery amongst his nobility. Hartcla, who, for his good service in the destruction of the Lancastrian faction, had been created Earl of Carlisle, soon after, imitating the example of Lancaster, entered into a correspondence with Bruce,[8] and organised an extensive confederacy

[1] Barbour, p. 376.
[2] Rymer, Fœdera, vol. iii. p. 977.
[3] Leland, Collect. vol. i. p. 250.
[4] Barbour, p. 378.
[5] Barbour, p. 379.
[6] Ker's Bruce, vol. ii. p. 287.
[7] Dr Lingard, (vol. iii. p. 442,) following the authority of John de Trokelowe, p. 64, has represented the battle of Biland Abbey as a skirmish, in which, after Edward had disbanded his army, Bruce surprised the English king, and the knights and suite who were with him. It appears to me that the accounts of Barbour, Fordun, and of Lord Hailes lead to a very different conclusion. In Dr Lingard's narrative, the determined resistance made by the English army, the storming of their encampment, the strong ground in which it was placed, and, indeed, the circumstance that there was an army at all with the king, is omitted.
[8] Leland, Collect. vol. i. p. 466.

amongst the northern barons, which had for its object, not only to conclude a truce with the Scots, independent of any communication with the king, but to maintain Robert Bruce and his heirs in the right and possession of the entire kingdom of Scotland. On the discovery of the plot, he suffered the death of a traitor, after being degraded from his new honours, and having his gilt spurs hacked off his heels.[1] Henry de Beaumont, one of the king's councillors, was soon after this disgraced, and committed to the custody of the marshal, on refusing to give his advice in terms of insolence and audacity;[2] so that Edward, unsupported by an army, disgraced by personal flight, and betrayed by some of his most confidential nobility, whilst his kingdom had been incalculably weakened by a long and disastrous war, began to wish seriously for a cessation of hostilities. Nor was Bruce unwilling to entertain pacific overtures. He repelled, indeed, with becoming dignity, a weak attempt to refuse to acknowledge him as the principal leader and party in the truce,[3] and insisted on his recognition as chief of his Scottish subjects; but he consented, by the mediation of his friend, Henry de Sully, to a thirteen-years' truce. This truce, however, he ratified under the style and title of King of Scotland, and this ratification Edward agreed to accept;[4] thus virtually acknowledging the royal title which he affected to deny. But although desirous of peace, the conduct of the English monarch at this time was marked by dissimulation and bad faith. While apparently anxious for a truce, he employed his ambassadors at the Papal court to irritate the Holy Father against Bruce, and to fan the dissensions between them; he summoned an array of the whole military service of England during the negotiations; and he recalled Edward Baliol, the son of the late King of Scots, from his castle in Normandy, to reside at the English court,[5] with the design, as afterwards appeared, of employing him to excite disturbances in Scotland. To counteract these intrigues of England, Bruce despatched his nephew, Randolph, to the Papal court; and the result of his negotiations was in a high degree favourable to Scotland. Flattered by the judicious declarations of his master's devotion to the Holy See; soothed by the expression of his anxiety for a peace with England, and an entire reconciliation with the Church; and delighted with the ardour with which Bruce declared himself ready to repair in person to the Holy War, the Pontiff consented, under the influence of these feelings, to remove all cause of quarrel, by addressing a bull to Bruce, with the title of king.[6] It has been justly observed that the conduct of this delicate negotiation presents Randolph to us in the new character of a consummate politician.[7] Against this unexpected conduct of the Holy See Edward entered a spirited remonstrance, complaining, with great show of reason, that although the Pope maintained that Bruce's claim could not be strengthened, nor that of the King of England impaired, by his bestowing on his adversary the title of king, yet the subjects of both kingdoms would naturally conclude that his Holiness intended to acknowledge the right where he had given the title;[8] and he reminded him that it was against an established maxim of Papal policy that any alteration in the condition of the parties should be made during the continuance of the truce. At the same time, Randolph, previous to his return, repaired to the court of France, and there renewed the ancient league between that kingdom and Scotland.[9]

During these negotiations with the Papal court, a son was born to King Robert at Dunfermline,[10] who, after a long minority, succeeded his father,

[1] Ker's Hist. of Bruce, p. 289, vol. ii. Rymer, Fœdera, vol. iii. p. 999.
[2] Rymer, Fœdera, vol. iii. p. 1021.
[3] Hailes' Annals, vol. ii. p. 108. Rymer, Fœdera, vol. ii. p. 1003.
[4] Rymer, Fœdera, vol. iii. p. 1031.
[5] Fœdera, vol. iv. p. 62.
[6] Rymer, Fœdera, vol. iv. p. 29.
[7] Hailes, vol. ii. 4to, p. 113.
[8] Rymer, Fœdera, vol. iv. p. 46.
[9] Fordun a Goodal, vol. ii. p. 279.
[10] On 5th March 1323. Fordun a Goodal, book xiii. chap. 5.

under the title of David the Second. It was an event of great joy to the country; and the court poets of the day foretold that, like his illustrious father, the royal infant would prove a man strong in arms, "who would hold his war-like revels amid the gardens of England;" a compliment, unfortunately, not destined to be prophetic.[1] Meanwhile, the conferences for a lasting peace between the two kingdoms proceeded; but the demands made by the Scottish commissioners were considered too degrading to be accepted by England, even in her present feeble and disordered state. The discussions were tedious and complicated, but their particulars do not appear in the state papers of the time. If we may believe an ancient English historian,[2] it was insisted that all demand of feudal superiority was for ever to be renounced by England; the fatal stone of Scone, as well as certain manors in England belonging to the King of Scots, which had been seized by Edward the First, were to be delivered to their rightful owner. A marriage between the royal blood of England and Scotland was to guarantee a lasting peace between the two kingdoms; and, finally, the whole of the north of England, as far as to the gates of York, was to be ceded to Scotland. This last demand, if really made, must have proceeded from an intention upon the part of the Scots to break off all serious negotiation. As soon indeed as Bruce became assured of the disingenuous conduct of Edward, in continuing his machinations at the Papal court, for the purpose of preventing the promised grant of absolution to him and to his people, it was natural that all thoughts of a cordial reconciliation should cease, more especially as the intrigues of England appear in this instance to have been successful.[3]

For some years after this the quiet current of national prosperity in Scotland, occasioned by the steady influence of good government, presents few subjects for the historian. Bruce's administration appears to have increased in strength and popularity; and the royal household, which had been lately gladdened by the birth of a young prince, was now cheered by an important bridal. Christian Bruce, the king's sister, and widow of the unfortunate Christopher Seton, espoused a tried and hardy soldier, Sir Andrew Moray of Bothwell, afterwards regent of the kingdom. Moray had been bred to war by Wallace; and it was a wise part of the policy of Bruce to attach to himself the bravest soldiers by matrimonial alliances. The joy of the country, however, at these happy events, was not long after overclouded by the death of Walter, the High Steward of Scotland, and son-in-law to the king. He seems to have been deeply and deservedly lamented. When only a stripling in war he had done good service at Bannockburn, and afterwards increased the promise of his fame by his successful defence of Berwick against the King of England in person.[4]

A treaty of alliance, offensive and defensive, between France and Scotland, was concluded at Corbeil by Randolph, in which it was agreed to make common cause in all future wars between England and either of the contracting parties; with the reservation, however, upon the part of Robert, that so long as the truce continued he should be free from the effects of such an engagement.[5] Soon after this, a parliament was held at Cambuskenneth, wherein the clergy, earls, barons, and all the nobility of Scotland, with the people there assembled, took the oaths of fealty and homage to David, the king's son, and his issue; whom failing, to Robert Stewart, now orphan son of Walter the Steward and the Princess Marjory, the king's daughter. It is important to notice that this is the earliest parliament in which we have certain intimation of the appear-

[1] "Iste, manu fortis, Anglorum ludet in hortis."—Fordun a Goodal, vol. ii. p. 280.
[2] Mon. Malmesburiensis, p. 230.
[3] Fœdera, vol. iv. p. 176.
[4] Barbour, p. 386. He died at Bathgate, and was buried at Paisley.
[5] Ker's History of Bruce, vol. ii. p. 343. Acts of the Parl. of Scotland, vol. iv. p. 564.

ance of the representatives of the cities and burghs, as forming a third estate in the great national council. The same parliament, in consequence of the lands and revenues of the crown having suffered extreme defalcation during the protracted war with England, granted to the king a tenth of the rents of all the lay-lands in the kingdom, to be estimated according to the valuation which was followed during the reign of Alexander the Third.[1]

A sudden revolution, conducted by Isabella, the profligate Queen of England, and her paramour Mortimer, terminated soon after this in the deposition of Edward the Second, and the assumption of the royal dignity by his son, the great Edward the Third, now entering his fourteenth year.[2] Although the avowed intentions of the English regency, who acted as council to the king, were pacific, yet their real conduct was insidious and hostile. To Bruce it was even insulting; for, although they ratified the truce in the name of the young king, and appointed commissioners to renew the negotiations for peace, yet their instructions empowered them to treat with the messengers of the noblemen and great men of Scotland, without the slightest mention of the name of the king, who, under such a provocation, soon manifested a disposition to renew the war. He had been disgusted by the repeated instances of bad faith on the part of the English government; and, taking advantage of the minority of the king, and the civil dissensions which had greatly weakened the country, he assembled a formidable army on the Borders, and declared his resolution of disregarding a truce which had been broken by one of the parties, and of instantly invading England, unless prevented by a speedy and advantageous peace. Against these warlike preparations the English ministry adopted decisive measures. The whole military array of England was summoned to meet the king at Newcastle on the 18th of May; and the Duke of Norfolk, Marshal of England, and uncle to young Edward, was commanded to superintend the muster. To Carlisle, the key of the kingdom on the other side, were sent two brave officers, Robert Ufford and John Mowbray, with a reinforcement to Lord Anthony Lucy, the governor. The naval force of the southern ports was ordered to be at Skinburness, near the mouth of the Tees. Two fleets, one named the Eastern and the other the Western Fleet of England, were directed to be employed against the Scots. The men living on the borders, and in the northern shires, received orders to join the army with all speed, marching day and night, and to send their women and children for shelter to distant places, or castles;[3] and those who were too old to fight were obliged to find a substitute. Anxious to give spirit to the soldiers, and to watch the designs of the enemy, the young king and the rest of the royal family came to York, accompanied by John of Hainault, with a fine body of heavy-armed Flemish horse; and Hainault was not long after joined by John of Quatremars, at the head of another reinforcement of foreign cavalry.[4] Confident in those warlike preparations, the negotiations for the attainment of peace soon became cold and embarrassed; and from the terms proposed by the English commissioners it was evident that they, as well as Bruce, had resolved upon the prosecution of the war.

Accordingly, soon after this, a defiance was brought to the youthful monarch from the King of Scotland; and the herald was commanded to inform him and his nobles that the Scots were preparing to invade his kingdom with fire and sword. Bruce himself was about this time attacked by a mortal sickness, brought on by that excessive fatigue, and constant exposure to the inclemency of the seasons, which he had endured in his early wars.[5] The extreme weakness occasioned by this, rendered it impos-

[1] Fordun a Hearne, vol. iv. p. 1014.
[2] Tyrrel's Hist. of England, vol. iii. p. 325.
[3] Rotuli Scotiæ, vol. i. p. 208. Hailes, vol. ii. p. 117. Barbour, p. 388.
[4] Rotuli Scotiæ, vol. i. pp. 210, 213.
[5] Ker's Bruce, vol. ii. p. 357.

sible for him to take the field in person; but Randolph and Douglas, his two ablest captains, put themselves at the head of an army of ten thousand men, and passing the Tyne near Carlisle, soon shewed that, although the king was not present, the skill, enterprise, and unshaken courage which he had inspired continued to animate his soldiers.[1] This is one of the last great military expeditions of this reign; and as it places in a strong and interesting light the species of warfare by which Bruce was enabled to reconquer and consolidate his kingdom, as contrasted with the gigantic efforts employed against him, we shall make no apology for a somewhat minute detail of its operations. Froissart, too, one of the most delightful and graphic of the old historians, appears now in the field, and throws over the picture the tints of his rich feudal painting.

Accounts soon reached the English king that the Scots had broken into the northern counties; and instant orders were given for the host to arrange themselves under their respective banners, and advance against the enemy, on the road to Durham. The English army, according to Froissart, consisted of sixty-two thousand men, of which eight thousand were knights and squires, armed both man and horse in steel, and excellently mounted; fifteen thousand lighter-armed cavalry, who rode hackneys; and fifteen thousand infantry: to these were added twenty-four thousand archers.[2] The army was divided into three columns, or battles, all of infantry, each battle having two wings of heavy-armed cavalry of five hundred men.

Against this great host, admirable in its discipline and equipment, the Scots had to oppose a very inferior force. It consisted of three thousand knights and squires, armed cap-a-pie, and mounted on strong good horses, and twenty thousand light-armed cavalry, excellently adapted for skirmishing, owing to their having along with them no impediments of luggage, or carts and waggons, and their being mounted on hardy little hackneys, which were able to go through their work in the most barren country, where other horses would die of want. "These Scottishmen," says Froissart, "are exceeding hardy, through their constant wearing of arms, and experience in war. When they enter England, they will, in a single day and night, march four-and-twenty miles, taking with them neither bread nor wine; for such is their sobriety, that they are well content with flesh half sodden, and for their drink with the river water. To them pots and pans are superfluities. They are sure to find cattle enough in the countries they break into, and they can boil or seeth them in their own skins; so that a little bag of oatmeal, trussed behind their saddle, and an iron plate, or girdle, on which they bake their crakenel, or biscuit, and which is fixed between the saddle and the crupper, is their whole purveyance for the field." It requires little discernment to see that a force of this description was admirably adapted for warfare in mountainous and desert countries; and that a regular army, however excellently equipped, being impeded by luggage, waggons, and camp-followers, could have little chance against it. So, accordingly, the event soon shewed.

Advancing from York, the English army learnt no tidings of the Scots until they entered Northumberland, when the smoke that rose from the villages and hamlets which they had burnt in their progress too plainly indicated their wasting line of march.[3] Although the Marshal of England had been stationed at Newcastle with a large body of troops, and the Earl of Hereford and Sir John Mowbray commanded at Carlisle with a strong gar-

[1] Barbour, p. 387. Froissart, vol. i. p. 19, by Lord Berners, makes the Scottish army fourteen thousand strong. Barbour says, "*of gud men*" there were ten thousand. The camp-followers who came for plunder, and the hobilers, or light-armed horse, may make up the disparity.

[2] Froissart, chap. xxxv. Buchon's Chroniques Françaises, vol. i. p. 80. Barnes's Hist. of Edward III., p. 9.

[3] Froissart, vol. i. pp. 19, 20.

rison, the Scottish army had crossed the Tyne with such silence and rapidity, that the blazing villages of Northumberland were the first messengers which informed their enemies of their approach. From morning to night did the English for two days pursue these melancholy beacons, without being able to get a sight of their enemy, although they burnt and laid waste the country within five miles of their main army. But the English appear to have been little acquainted with the country, and obliged to march with great slowness and precaution through the woods, marshes, and mountainous passes with which it was intersected; whilst the Scots, veterans in this species of warfare, and intimately familiar with the seat of the war, drove every living thing from before their enemies, wasted the forage, burnt the granaries, and surrounded their army with a blackened and smoking desert, through which they passed without a sight of their destroyers.

After a vain pursuit of three days, through desert and rugged paths, the English army, exhausted with toil, hunger, and watching, determined to direct their march again to the Tyne, and, having crossed that river, to await the return of the Scots, and cut off their retreat into their own country. This object they accomplished towards nightfall with great difficulty, and the army was kept under arms, each man lying beside his horse with the reins in his hands, ready to mount at a moment's warning, with the vain hope that the daylight would shew them their enemy, who, they conjectured, would return by the same ford which they had crossed in their advance. Meanwhile, this great host began to experience all those bitter sufferings which the Scottish mode of warfare was so surely calculated to bring upon them.[1] The rain poured down and swelled the river, so that its passage became perilous; their carriages and waggons, containing the wine and provisions, had been, by orders of the leaders, left behind; and each soldier had carried, strapped behind his saddle, a single loaf of bread, which the rain and the sweat from the horse had rendered uneatable; the horses themselves had tasted nothing for a day and night; and the soldiers experienced the greatest difficulty in sheltering themselves from the weather, by cutting down the green branches, and making themselves lodges, whilst the horses supported themselves by cropping the leaves. There was much suffering also from the want of light and fire, as the green wood would not burn, and only a few of the greater barons had brought torches with them; so that the army lay on the cold ground under a heavy rain, ignorant, from the darkness, of the situation which they occupied, and obliged to keep upon the alert, lest they should be surprised by the enemy. In this plight the morning found them, when they discovered from the country people that their encampment was about fourteen leagues from Newcastle, and eleven from Carlisle, but could hear no tidings of the Scots.[2] It was determined, however, to await their return; and for eight days they lay upon the bank of the Tyne, in the vain idea of cutting off the retreat of the enemy, while the rain continued to pour down in torrents, and their sufferings and privations to increase every hour, so that murmurs and upbraidings began to rise amongst the soldiers; and the leaders, alarmed by the symptoms of mutiny, determined to repass the river, and again march in search of the enemy.

Having accomplished this, proclamation was made through the host that the king would honour with knighthood, and a grant of land, any soldier who would lead him to where he could cope on dry ground with the Scots;[3] and sixteen knights and squires rode off on the adventure, which was quickly accomplished; for one of them, Thomas de Rokeby, was soon after taken prisoner by the ad-

[1] Barnes's Edward III., p. 10.

[2] Froissart, vol. i. pp. 20-22. The true distance is forty-two miles from Newcastle, and thirty-three from Carlisle.

[3] Rymer, Fœdera, vol. iv. p. 312.

vanced guards of the Scots, and carried before Douglas and Randolph. These leaders, confident in the strength of the position which they occupied, sent the squire back to his companions, with orders to lead the English army to the spot where they were encamped, adding, that Edward could not be more anxious to see them than they were to be confronted with him and his barons. Rokeby, who found the king with his army at Blanchland, on the river Derwent, informed them of his success; and next morning the army, drawn up in order of battle, having marched, under the guidance of Rokeby, through Weardale, about mid-day came in sight of the Scots, strongly encamped on the slope of a hill, at the foot of which ran the rapid river Wear.[1] The flanks of the position were defended by rocks, which it was impossible to turn, and which overhung the river so as to command its passage; whilst the stream itself, full of huge stones, and swollen by the late rains, could not be passed without the greatest risk. Having halted and reconnoitred the position of the Scots, the English leaders considered it to be impregnable, and, in the chivalrous spirit of the times, heralds were sent with the proposal that the two armies should draw up on the plain, renounce the advantages of ground, and decide the battle in a fair field. The Scottish leaders were too well experienced in war to be moved by this bravado. "It is known," said they, in reply to the defiance, "to the king and barons of England that we are here in their kingdom, and have burnt and wasted the country. If displeased therewith, let them come and chastise us if they choose, for here we mean to remain as long as we please."[2]

[1] Barnes's Edward III., p. 12. Froissart, vol. i. p. 93.

[2] Froissart, vol. i. p. 23. Hume erroneously describes Douglas as eagerly advising to risk a battle, and Moray dissuading him from it. He has also confounded this expedition with a subsequent inroad of Bruce into England, describing the attack upon Norham as having taken place *previously* to the encampment on the Wear. But the campaign of Randolph and Douglas, and the encampment at Stanhope Park, took place on 5th August 1327. The siege of Norham did not commence till September. Hume's Hist. vol. iii. p. 245.

On the first sight of the strength of the Scottish position, the English leaders had given orders for the whole host to be drawn up on foot, in three great columns or battles, having commanded the knights and men-at-arms to lay aside their spurs, and join the ranks of the infantry. In this order the army continued for three days, vainly endeavouring, by manœuvres and bravadoes, to compel the Scottish leaders to leave their strong ground, and accept their challenge. Every night the soldiers lay upon their arms, resting on the bare rocky ground; and as they had no means of tying or picketing their horses, the cavalry were compelled to snatch a brief interval of sleep with their reins in their hand, and harness on their back, destitute of litter or forage, and without fuel to make fires for their comfort and refreshment. On the other hand, they had the mortification to be near enough to see and hear the merriment of the Scottish camp; to observe that their enemies retired nightly to their huts, after duly stationing their watches; to see the whole hill blazing with the fires, round which they were cooking their victuals; and to listen to the winding of the horns, with which the leaders called in the stragglers and pillaging parties.

Although irritated and mortified with all this, the English absurdly determined to remain where they were. They had learned from some prisoners, taken in skirmishing, that their enemies had neither bread nor wine; and to use the words of Froissart, it was the "intention of the English to holde the Scots there in manner as besieged, thinking to have famished them." But a few hours sufficed to shew the folly of such a design. The third night had left the two armies as usual in sight of each other, the Scottish fires blazing, their horns resounding through the hills, and their opponents lying under arms. In the morning, the English, instead of the gleam of arms, and the waving of the pennons of an encamped army, saw nothing

before them but a bare hill side.[1] Their enemies, familiar with every part of this wild country, having found out a stronger position, had secretly decamped, and were soon discovered by the scouts in a wood called Stanhope Park, situated on a hill, at nearly the same distance from the river Wear as their first encampment.[2]

This ground had equal advantages, in commanding the river, with their first position; and it was not only more difficult of access and of attack, but enabled them, under cover of the wood, to conceal their operations. Thus completely out-manœuvred, and made aware on how frail a basis had been rested their project for starving out their enemy, the English army marched down the side of the Wear, and encamped on a hill fronting the Scots, and having the river still interposed between them. Fatigued and disheartened by their sufferings and reverses, they became remiss in their discipline; and a daring night attack of Douglas had nearly put an end to the campaign, by the death or captivity of the young monarch of England.[3] This leader, having discovered a ford at a considerable distance from both encampments, passed the river at midnight with five hundred horse; with these he gained unperceived the rear of the English camp, and contrived to deceive the outposts by assuming the manner of an English officer going his rounds, and calling out, "Ha, St George! no watch!" He thus passed the barriers, and whilst one part of his men made an attack on a different quarter, Douglas and his party fell so fiercely and suddenly upon the enemy, that three hundred were slain in a few minutes; still pressing on, and putting spurs to his horse, he penetrated to the royal tent, cut the tent-ropes, and would have carried off the young monarch, but for the resistance of the royal household. The king's chaplain bravely defended his master, and was slain; others followed his example, and shared his fate; but the interval thus gained gave Edward time to escape, and roused the whole army, so that Douglas found it necessary to retreat. Blowing his horn, he charged through the thickening mass of his enemies, and, with inconsiderable loss, rejoined his friends. Disappointed of his prey, this veteran leader, on being asked by Randolph what speed they had made, replied, "They had drawn blood, but that was all."[4]

Provisions now began to fail in the Scottish camp, which had hitherto been plentifully supplied, and the two Scottish commanders consulted together what was best to be done. Randolph recommended the hazarding a battle; but Douglas, who, with all his keenness for fighting, was a great calculator of means, insisted that the disparity of force was too great, and proposed a retreat, which, from the nature of the ground, was nearly as dangerous as a battle. Behind the Scottish camp was stretched a large morass, which was deemed impassable for cavalry, and which had effectually prevented any attack in their rear. In the front was the river Wear, the passage guarded by the English army, which outnumbered the Scots by forty thousand men; and on each flank were steep and precipitous banks. To have attempted to break up their camp, and retreat in the day-time, in the face of so superior an enemy, must have been certain ruin. The Scottish leaders, accordingly, on the evening which they had chosen for their departure, lighted up their camp fires, and kept up a great noise of horns and shouting, as they had been wont to do. Meanwhile they had prepared a number of hurdles, made of wands or boughs, tightly wattled together, and had packed up in the smallest compass their most valuable booty. At midnight they drew off from their encampment, leaving their fires burning, and having dismounted on reaching the morass, they threw down the hurdles upon the softer places of the bog, and thus passed over the water-

[1] Froissart, vol. i. p. 25.
[2] Barbour, pp. 394, 395.
[3] Barnes's Edward III., p. 14. Froissart, vol. i. p. 24. Barbour, p. 397.
[4] Barbour, p. 399.

runs in safety, taking care to remove the hurdles so as to prevent pursuit by the enemy.[1]

It happened that, the day before, a Scottish knight had fallen into the hands of the English during a skirmish; and being strictly questioned, he informed the king that the soldiers had received orders to hold themselves in readiness to follow the banner of Douglas in the evening. Anticipating from this information another night attack, the whole army drew up on foot in three divisions in order of battle; and having given their horses in charge to the servants who remained in the camp-huts, lay all night under arms, expecting to be assaulted every moment. Night, however, passed away without any alarm; and a little before daylight two of the enemy's trumpeters were taken, who reported that the Scottish army had decamped at midnight, and were already advanced five miles on their way homewards. An instantaneous pursuit might still have placed the retreating army in circumstances of great jeopardy; but the success of Douglas's night attack had made the English over-cautious, and they continued under arms till broad daylight, suspecting some stratagem or ambush. At last when, after a little time, nothing was seen, some scouts were sent across the river, who returned with the intelligence that the Scots had made good their retreat, and that their camp was entirely evacuated.

The deserted encampment was then visited by their mortified opponents, and presented a singular spectacle. In it were found five hundred slaughtered cattle, and more than three hundred caldrons, or kettles, which were made of skins of cattle, with the hair on, suspended on stakes, and full of meat and water, ready for boiling, with about a thousand spit-racks with meat on them, and about ten thousand pairs of old shoes, commonly called *brogues* in Scotland, and made of raw hides, with the hair on the outer side. The only living things found in the camp were five poor Englishmen, stript naked and tied to trees. Three of these unfortunate men had their legs broken,—a piece of savage cruelty, which, if committed with their knowledge, throws a deep stain upon Douglas and Randolph.

On witnessing this, it is said that the young king, grievously disappointed at the mortifying result of an expedition commenced with such high hopes, and involving such mighty preparations, could not refrain from tears. In the meantime the Scottish army, with safety and expedition, regained their own country in health and spirits, and enriched with the plunder of a three-weeks' *raid* in England. Very different was the condition of the army of Edward. The noble band of foreign cavalry, consisting of knights and men-at-arms from Hainault, Flanders, and Brabant, commanded by John of Hainault, were reduced, by the privation and fatigue of a mode of warfare with which they were little acquainted, to a state of much wretchedness.[2] On reaching York, their horses had all died or become unserviceable; and the rest of the English cavalry were in an almost equal state of exhaustion and disorganisation.

The disastrous termination of this campaign very naturally inspired the English government with a desire of peace; and although the blame connected with the retreat of the Scots was attempted to be thrown upon the treachery of Mortimer, and a proclamation, issued from Stanhope Park, ridiculously described their enemies as having stolen away in the night, like vanquished men,[3] the truth could not be concealed from the nation; and every one felt that the military talents of Douglas and Randolph, and the patient discipline of the Scottish soldiers, rendered them infinitely superior to any English force which could be brought against them. The exhaustion of the English treasury, and the jealousy and heart-burnings between Mortimer and the principal nobility, rendered it exceedingly im-

[1] Barbour, p. 402. Froissart, vol. i. p. 25.

[2] Fœdera, vol. iv. p 304.

[3] Rymer, Fœdera, vol. iv. p. 301. Hailes, vol. ii. p. 123.

probable that a continuance of the war would lead to any better success; and these desires for peace were not a little strengthened by the sudden appearance of the King of Scotland in person, who broke into England by the eastern borders at the head of an army including every person in Scotland able to bear arms.[1] Bruce himself sat down before Norham with a part of his force; a second division was commanded to waste Northumberland; and a third, under Douglas and Randolph, laid siege to Alnwick castle; but before hostilities had proceeded to any length, commissioners from England were in the camp of the Scottish king with a proposal for the marriage of Joanna, the Princess of England, and sister to the king, to David, the only son of the King of Scots.

It was required by the king, as the preliminary basis on which all future negotiation was to proceed, that Edward should renounce for ever all claim of feudal superiority which he and his predecessors had pretended to possess over the kingdom of Scotland. To agree to this concession appears to have been beyond the powers of the commissioners; and a parliament was summoned for this purpose, a truce in the meantime having been agreed upon during the continuance of the negotiations.[2]

At length, on the 1st of March 1327-8, the English parliament assembled at York; and this important preliminary, which had cost so great an expense of blood and treasure to both kingdoms during a terrible war of twenty years, was finally and satisfactorily adjusted. Robert was acknowledged as King of Scotland, and Scotland itself recognised for ever as a free and independent kingdom.

It was declared by Edward, in the solemn words of the instrument of renunciation, "that whereas we and others of our predecessors, Kings of England, have endeavoured to obtain a right of dominion and superiority over the kingdom of Scotland, and have thereby been the cause of long and grievous wars between the two kingdoms; we, therefore, considering the numerous slaughters, sins, and bloodshed, the destruction of churches, and other evils brought upon the inhabitants of both kingdoms by such wars, and the many advantages which would accrue to the subjects of both realms if, by the establishment of a firm and perpetual peace, they were secured against all rebellious designs, have, by the assent of the prelates, barons, and commons of our kingdom, in parliament assembled, granted, and hereby do grant, for us, and our heirs and successors whatsoever, that the kingdom of Scotland shall remain for ever to the magnificent Prince and Lord, Robert, by the grace of God, the illustrious King of Scots, our ally and dear friend, and to his heirs and successors, free, entire, and unmolested, separated from the kingdom of England by its respective marches, as in the time of Alexander, King of Scotland, of good memory, lately deceased, without any subjection, servitude, claim, or demand whatsoever. And we hereby renounce and convey to the said King of Scotland, his heirs and successors, whatever right we or our ancestors in times past have laid claim to in any way over the kingdom of Scotland. And by these same presents we renounce and declare void, for ourselves and our heirs and successors, all obligations, agreements, or treaties whatsoever, touching the subjection of the kingdom of Scotland, and the inhabitants thereof, entered into between our predecessors and any of the kings thereof, or their subjects, whether clergy or laity. And if there shall anywhere be found any letters, charters, muniments, or public instruments, which shall have been framed touching the said obligations, agreements, or compacts, we declare that they shall be null and void, and of no effect whatsoever. And in order to the fulfilment of these premises, and to the faithful observation thereof in all time coming, we have given full power and special authority to our

[1] Barbour, p. 404.

[2] The truce was to last from 23d Nov. till the 22d March 1328. Rymer, vol. iv. p. 326.

faithful and well-beloved cousin, Henry de Percy, and to William le Zouche of Ashby, to take oath upon our soul for the performance of the same. In testimony whereof we have given these our letters-patent, at York, on the 1st of March, and in the second year of our reign. By the king himself, and his council in Parliament."[1]

This important preliminary having been amicably settled, the English and Scottish commissioners did not find it difficult to come to an arrangement upon the final treaty. Accordingly, peace with England was concluded at Edinburgh on the 17th of March 1327–8,[2] and confirmed on the part of the English government, in a parliament held at Northampton, on the 4th of May 1328. It was stipulated that there should be a perpetual peace between the two kingdoms, for confirmation of which, a marriage should take place between David, eldest son and heir of the King of Scotland, and Joanna, sister to the King of England. In the event of Joanna's death before marriage, the King of England engaged to provide a suitable match for David from his nearest in blood; and in the event of David's death previous to the marriage, the King of England, his heirs and successors, are to be permitted to marry the next heir to the throne of Scotland, either to Joanna, if allowable by the laws of the Church, or to some other princess of the blood royal of England. The two kings, with their heirs and successors, engaged to be good friends and faithful allies in assisting each other, always saving to the King of Scots the ancient alliance between him and the King of France; and in the event of a rebellion against England in the kingdom of Ireland, or against Scotland in Man, Skye, or the other islands, the two kings mutually agreed not to abet or assist their rebel subjects. All writings, obligations, instruments, or other muniments, relative to the subjection which the kings of England had attempted to establish over the people and land of Scotland, and which are annulled by the letters-patent of the King of England, as well as all other instruments and charters respecting the freedom of Scotland, as soon as they are found, were to be delivered up to the King of Scots; and the King of England expressly engaged to give his assistance, in order that the processes of excommunication against Robert and his subjects, which had been carried through at the court of Rome, and elsewhere, should be recalled and annulled. It was besides agreed on the part of the king, the prelates, and the nobles of Scotland, that the sum of twenty thousand pounds sterling should, within three years, be paid, at three separate terms; and in the event of failure, the parties were to submit themselves to the jurisdiction of the Papal chamber. It was finally covenanted that the laws and regulations of the marches were to be punctually adhered to by both monarchs; and although omitted in the treaty, it was stipulated in a separate instrument, that the stone upon which the Kings of Scotland were wont to sit at their coronation, and which had been carried away by Edward the First, should be restored to the Scots.[3]

There can be no doubt that this

[1] There are three copies of this important deed known to our historians. One in Rymer, vol. iv. p. 337, taken from a transcript in the Chronicle of Lanercost, another in Goodal's edition of Fordun, and a third in a public instrument of Henry Wardlaw, bishop of St Andrews, copied by this prelate, 17th March 1415. It is from this last, as published by Goodal, (Fordun, vol. ii. p. 289,) that I have taken the translation.

[2] Carte, in an unsuccessful attempt to prove that this treaty did not receive the ratification of parliament, observes—"If the parliament at York had assented to the treaty, why was that of Northampton summoned to warrant it by their assent and approbation?" The answer is obvious. The parliament at York, on the 1st of March, agreed to the renunciation of the claim of superiority, but the remaining articles of the treaty were yet unsettled. These were finally adjusted by the commissioners at Edinburgh, on the 17th of March; and a parliament was summoned at Northampton, which gave its final approbation on the 4th of May. All this is very clear; yet Lingard echoes the scepticism of Carte.

[3] Hailes, vol. ii. p. 127. The original duplicate of this treaty, which was unknown to Lord Hailes, was discovered after the publication of his History, and is now preserved

treaty was highly unpopular in England. The peace was termed ignominious, and the marriage a base alliance; the treaty itself, in the framing of which the queen and Mortimer had a principal share,[1] although undoubtedly ratified in parliament, was not generally promulgated, and does not appear amongst the national records and muniments of the time; and when the renunciation of the superiority over Scotland, and the restoration of the fatal stone, came to be publicly known, the populace in London rose in a riotous manner, and would not suffer that venerable emblem of the conquest of Edward the First to be removed.[2] Yet although it wounded the national pride, the peace, considering the exhausted state of England, the extreme youth of the king, the impoverishment of the exchequer by a long war, and the great superiority of such military leaders as Bruce, Randolph, and Douglas, to any English commanders who could be opposed to them, was a necessary and prudent measure, imperiously dictated by the circumstances of the times.

To Bruce, on the other hand, the peace was in every respect a glorious one; but it was wise and seasonable as well as glorious. Robert anxiously desired to settle his kingdom in tranquillity. Although not to be called an old man, the hardships of war had broken a constitution naturally of great strength, and had brought on a premature old age, attended with a deep-seated and incurable disease, thought to be of the nature of leprosy. Upon his single life hung the prosperity of his kingdom and the interests of his family. His daughter, the only child of his first marriage, was dead. During the negotiations for the treaty of Northampton, Elizabeth, his second wife, had followed her to the grave;[3] his gallant brothers, partly on the scaffold, and partly on the field, had died without issue; his only son was an infant, and his grandson a boy of ten years old, who had lost both his parents. In these circumstances, peace was a signal blessing to the nation, and a joyful relief to himself. The complete independence of Scotland, for which the people of that land had obstinately sustained a war of thirty-two years' duration, was at last amply acknowledged, and established on the firmest basis; and England, with her powerful fleets, and superb armies, her proud nobility, and her wealthy exchequer, was, by superior courage and military talent, compelled to renounce for ever her schemes of unjust aggression. In the conduct of this war, and in its glorious termination, Bruce stood alone, and shared the glory with no one. He had raised the spirit of his people to an ascendancy over their enemies, which is acknowledged by the English historians themselves; and in all the great military transactions of the war we can discern the presence of his inventive and presiding genius. He was indeed nobly assisted by Douglas and Randolph; but it was he that had first marked their military talents, and it was under his eye that they had grown up into that maturity of excellence which found nothing that could cope with them in the martial nobility of England. Having thus accomplished the great object of his life, and warned

amongst the archives in the General Register House in Edinburgh, with the seals of the three lay plenipotentiaries still pretty entire. Robertson's Index, p. 101. The original is in French, and has been printed in Ker's History of Bruce, vol. ii. p. 526. Lingard, vol. iv. p. 9, following Lord Hailes, falls into the error of supposing that no copy of this treaty had been preserved by any writer, and doubts whether it was ever ratified by a full parliament. On what ground this doubt is founded, unless on the erroneous idea that no copy of the treaty could be discovered, it is difficult to imagine. He remarks in a note, that a parliament was held at Northampton in April. It was at this parliament that the treaty of Northampton was agreed to. "Donne a Northampton, le quart jour de May, lan de nostre regne secont." What are we to think, then, of his concluding observation—"but no important business was done on account of the absence of the principal members?"

[1] Edward's mother got a grant of 10,000 marks for herself. Fœdera, vol. iv. p. 410.

[2] Chronicle of Lanercost, p. 261. See Rymer, vol. iv. p. 454. Rotul. Claus. 4 Edward III, m. 16, dorso.

[3] She died 7th Nov. 1327. Fordun a Goodal, vol. ii. p. 288.

by intimations which could not be mistaken, that a mortal disease had fixed upon him, the king retired to his palace at Cardross, on the eastern shore of the Clyde. His amusements, in the intervals of disease, were kingly, and his charities extensive. He built ships, and recreated himself by sailing; he devoted himself to architecture and gardening, improving his palace and orchard; he kept a lion for his diversion, and, when his health permitted, delighted in hawking; he entertained his nobility in a style of rude and abundant hospitality, and the poor received regular supplies by the king's order.[1]

Meantime the Princess Joanna of England, then in her seventh year, accompanied by the Queen Dowager, the Earl of Mortimer, the bishop of Lincoln, High Chancellor of England, and attended by a splendid retinue, began their journey to Scotland. At Berwick she was received by David, her young bridegroom, then only five years of age. Randolph and Sir James Douglas, whom King Robert, detained by his increasing illness, had sent as his representatives, accompanied the prince; and the marriage was celebrated at Berwick with great joy and magnificence.[2] The attendants of the princess brought along with them, to be delivered in terms of the treaty of Northampton, the Ragman Roll containing the names of all those Scotsmen who had been compelled to pay homage to Edward the First, as well as other important records and muniments,[3] which that monarch had carried with him from Scotland. Bruce was able to receive his son and his youthful consort with a warm and affectionate welcome at Edinburgh; but, finding his disease increasing upon him, he returned immediately to his rural seclusion at Cardross, where he died on the 7th June 1329, at the age of fifty-five. Some time before his death, an interesting scene took place, which I shall give in the beautiful and affecting narrative of Froissart.

"In the meantime," says that historian, "it happened that King Robert of Scotland was right sore aged and feeble, for he was grievously oppressed with the great sickness, so that there was no way with him but death; and when he felt that his end drew near, he sent for such barons and lords of his realm as he most trusted, and very affectionately entreated and commanded them, on their fealty, that they should faithfully keep his kingdom for David his son, and when this prince came of age, that they should obey him, and place the crown on his head. After which, he called to him the brave and gentle knight Sir James Douglas, and said, before the rest of the courtiers, —'Sir James, my dear friend, none knows better than you how great labour and suffering I have undergone in my day, for the maintenance of the rights of this kingdom; and when I was hardest beset, I made a vow, which it now grieves me deeply that I have not accomplished: I vowed to God that if I should live to see an end of my wars, and be enabled to govern this realm in peace and security, I would then set out in person, and carry on war against the enemies of my Lord and Saviour, to the best of my power. Never has my heart ceased to bend to this point; but our Lord has not consented thereto; for I have had my hands full in my days, and now, at the last, I am seized with this grievous sickness, so that, as you all see, I have nothing to do but to die. And since my body cannot go thither, and accomplish that which my heart hath so much desired, I have resolved to send my heart there, in place of my body, to fulfil my vow; and now, since in all my realm I know not any knight more hardy than yourself, or more thoroughly furnished with all knightly qualities for the accomplishment of the vow: in place of myself, therefore, I entreat thee, my dear and tried friend, that, for the love you bear to me, you will undertake this voyage, and acquit my soul

[1] Chamberlain's Accounts, vol. i. pp. 38-41, 46.

[2] Fordun a Hearne, vol. iv. p. 1016. Barbour, p. 407.

[3] Carte, vol. ii. p. 397.

of its debt to my Saviour; for I hold this opinion of your truth and nobleness, that whatever you undertake I am persuaded you will successfully accomplish; and thus shall I die in peace, provided that you do all that I shall tell you. I will, then, that as soon as I am dead, you take the heart out of my body, and cause it to be embalmed, and take as much of my treasure as seems to you sufficient for the expenses of your journey, both for you and your companions; and that you carry my heart along with you, and deposit it in the Holy Sepulchre of our Lord, since this poor body cannot go thither. And it is my command, that you do use that royal state and maintenance in your journey, both for yourself and your companions, that into whatever lands or cities you may come, all may know that you have in charge, to bear beyond seas, the heart of King Robert of Scotland.'

"At these words, all who stood by began to weep; and when Sir James himself was able to reply, he said,—'Ah! most gentle and noble king, a thousand times do I thank you for the great honour you have done me, in making me the depositary and bearer of so great and precious a treasure. Most faithfully and willingly, to the best of my power, shall I obey your commands, albeit I would have you believe, that I think myself but little worthy to achieve so high an enterprise.' 'Ah! gentle knight,' said the king, 'I heartily thank you, provided you promise to do my bidding on the word of a true and loyal knight.' 'Assuredly, my liege, I do promise so,' replied Douglas, 'by the faith which I owe to God, and to the order of knighthood.' 'Now praise be to God,' said the king, 'for I shall die in peace, since I am assured that the best and most valiant knight of my kingdom has promised to achieve for me that which I myself could never accomplish.' And not long after, this noble king departed this life."[1]

At this or some other interview, shortly before his death, Bruce delivered to the Scottish barons his last advice regarding the best mode of conducting the war against England. They concentrate, in a small compass, the wisdom and experience which he had gained during the whole course of his protracted but glorious war; and it is perhaps not too much to say that there is no instance in their subsequent history in which the Scots have sustained any signal defeat where it cannot be traced to a departure from some of the directions of what is affectionately called the "Good King Robert's Testament." His injunctions were, that the Scots in their wars ought always to fight on foot; that, instead of walls and garrisons, they should use the mountains, the morasses, and the woods; having for arms the bow, the spear, and the battle-axe; driving their herds into the narrow glens, and fortifying them there, whilst they laid waste the plain country by fire, and compelled the enemy to evacuate it. "Let your scouts and watches," he concluded, "be vociferating through the night, keeping the enemy in perpetual alarm; and worn out with famine, fatigue, and apprehension, they will retreat as certainly as if routed in battle." Bruce did not require to add that then was the time for the Scots to commence their attacks, and to put in practice that species of warfare which he had taught them to use with such fatal effect.[2] Indeed, these are the principles of war which will in every age be adopted by mountaineers in defence of their country; and nearly five hundred years after this, when a regular Russian army invaded Persia, we find Aga Mohammed Khan speaking to his prime minister almost in the very words of Bruce. "Their shot shall never reach me, but they shall possess no country beyond its range; they shall not know sleep, and let them

[1] Froissart, vol. i. pp. 28, 29. Fordun a Goodal, vol. ii. p. 300.

[2] See the original leonine verses, with an old Scots translation, taken from Hearne's Fordun, vol. iv. p. 1002, in Notes and Illustrations, letters BB. In the translation in the text of the word "securis," I have adopted the suggestion of Mr Ridpath, in his Border History, p. 290.

march where they choose I will surround them with a desert.[1]

Bruce undoubtedly belongs to that race of heroic men, regarding whom we are anxious to learn even the commonest particulars. But living at so remote a period, the lighter shades and touches which confer individuality are lost in the distance. We only see, through the mists which time has cast around it, a figure of colossal proportion, "walking amid his shadowy peers;" and it is deeply to be regretted that the ancient chroniclers, whose pencil might have brought him before us as fresh and true as when he lived, have disdained to notice many minute circumstances with which we now seek in vain to become acquainted; yet some faint idea of his person may be gathered from the few scattered touches preserved by these authors, and the greater outlines of his character are too strongly marked to escape us.

In his figure the king was tall and well-shaped. Before broken down by illness, and in the prime of life, he stood nearly six feet high; his hair curled closely and shortly round his neck, which possessed that breadth and thickness that belong to men of great strength; he was broad-shouldered and open-chested, and the proportion of his limbs combined power with lightness and activity. These qualities were increased not only by his constant occupation in war, but by his fondness for the chase and all manly amusements. It is not known whether he was dark or fair complexioned; but his forehead was low, his cheek-bones strong and prominent, and the general expression of his countenance open and cheerful, although he was maimed by a wound which had injured his lower jaw. His manners were dignified and engaging; after battle, nothing could be pleasanter or more courteous; and it is infinitely to his honour that in a savage age, and smarting under injuries which attacked him in his kindest and tenderest relations, he never abused a victory, but conquered often as effectually by his generosity and kindness as by his great military talents. We know, however, from his interview with the Papal legates, that when he chose to express displeasure his look was stern and kingly, and at once imposed silence and insured obedience. He excelled in all the exercises of chivalry, to such a degree, indeed, that the English themselves did not scruple to account him the third best knight in Europe.[2] His memory was stored with the romances of the period, in which he took great delight. Their hairbreadth 'scapes and perilous adventures were sometimes scarcely more wonderful than his own; and he had early imbibed from such works an appetite for individual enterprise and glory, which, had it not been checked by a stronger passion, the love of liberty might have led him into fatal mistakes: it is quite conceivable that Bruce, instead of a great king, might, like Richard the First, have become only a kingly knight-errant.

But from this error he was saved by the love of his country, directed by an admirable judgment, an unshaken perseverance, and a vein of strong good sense. It is here, although some may think it the homeliest, that we are to find assuredly the brightest part of the character of the king. It is these qualities which are especially conspicuous in his long war for the liberty of Scotland. They enabled him to follow out his plans through many a tedious year with undeviating energy; to bear reverses, to calculate his means, to wait for his opportunities, and to concentrate his whole strength upon one great point, till it was gained and secured to his country for ever. Brilliant military talent and consummate bravery have often been found amongst men, and proved far more of a curse than a blessing; but rarely indeed shall we discover them united to so excellent a judgment, controlled by such perfect disinterestedness, and employed for so sacred an end. There is but one instance on record where he seems to have thought more of himself than of his people,[3]

[1] Sketches in Persia, vol. ii. p. 210.

[2] Fordun a Goodal, vol. ii. p. 295.

[3] See supra, p. 117.

and even this, though rash, was heroic.

By his first wife, Isabella, the daughter of Donald, tenth Earl of Mar, he had one daughter, Marjory. She married Walter, the hereditary High Steward of Scotland, and bore to him one son, Robert Stewart, afterwards king, under the title of Robert the Second. By his second wife, Elizabeth, the daughter of Richard de Burgh, earl of Ulster, he had one son, David, who succeeded him, and two daughters, Elizabeth and Margaret.

Immediately after the king's death his heart was taken out, as he had himself directed. He was then buried with great state and solemnity under the pavement of the choir, in the Abbey Church of Dunfermline, and over the grave was raised a rich marble monument, which was made at Paris.[1] Centuries passed on, the ancient church, with the marble monument, fell into ruins, and a more modern building was erected on the same site. This, in our own days, gave way to time; and in clearing the foundations for a third church the workmen laid open a tomb, which proved to be that of Robert the Bruce. The lead coating in which the body was found enclosed was twisted round the head into the shape of a rude crown. A rich cloth of gold, but much decayed, was thrown over it; and, on examining the skeleton, it was found that the breast-bone had been sawn asunder to get at the heart.[2]

There remained, therefore, no doubt, that after the lapse of almost five hundred years, his countrymen were permitted, with a mixture of delight and awe, to behold the very bones of their great deliverer.

CHAPTER V.

DAVID THE SECOND.

1329—1346.

ON the death of Bruce, Scotland, delivered from a long war by a treaty equally honourable and advantageous, was yet placed in perilous circumstances. The character of Edward the Third had already begun to develop those great qualities, amongst which a talent for war, and a thirst for conquest and military renown were the most conspicuous. Compelled to observe the letter of the recent treaty of Northampton, this prince soon shewed that he meant to infringe its spirit and disregard its sanctions, by every method of private intrigue and concealed hostility. With a greater regard for public opinion than his grandfather, Edward the First, he was yet as thoroughly bent upon the aggrandisement of his dominions. Unwilling to bring upon himself the odium of an open breach of so recent and solemn a treaty, cemented as it was by a marriage between King David and his sister, Edward's policy was to induce the Scots themselves to infringe the peace by the private encouragement which he gave to their enemies, and then to come down with an overwhelming force and reduce the

[1] Chamberlain Accounts, vol. i. p. 101.

[2] See an interesting Report of the discovery of the Tomb, and the re-interment of the body of Robert Bruce, drawn up by Sir Henry Jardine, in the second volume of the Transactions of the Antiquarian Society of Scotland, part ii. p. 435.

kingdom.[1] Against these designs there were many circumstances which prevented Scotland from making an effectual resistance. Randolph was indeed nominated regent, and the talents of this great man in the arts of civil government appear to have been as conspicuous as in war; but he was now aged, and could not reasonably look to many more years of life. Douglas, whose genius for military affairs was, perhaps, higher than even that of Randolph, was soon to leave the kingdom on his expedition to the Holy Land; and the powerful faction of the Comyns still viewed the line of Bruce with persevering enmity, and shewed themselves ready to rise upon the first opportunity against the government of his son. Nor was it long before this opportunity presented itself. Edward, the eldest son of John Baliol, had chiefly resided in France since his father's death; but he now came to England, and with the private connivance of Edward the Third began to organise a scheme for the recovery of the Scottish crown. Dornagilla, the mother of Baliol, was sister-in-law to the Red Comyn, whom King Robert Bruce had stabbed at Dumfries, so that the rights of the new claimant were immediately supported by the whole weight of the Comyns; and, no longer awed by the commanding mind of Bruce, disputes and heart-burnings arose amongst the Scottish nobility, at a time when a concentration of the whole strength of the nation was imperiously required.

To return to the course of our narrative, Randolph, upon the death of Bruce, immediately assumed the office of regent, and discharged its duties with a wise and judicious severity. He was indefatigable in his application to business, and his justice was as bold and speedy as it was impartial. An instance of it has been preserved by Bower.[2] A priest was slain; and the murderer, having gone to Rome and obtained the Papal absolution, had the audacity to return openly to Scotland. He was seized and brought before Randolph, who was then holding his court at Inverness, during a progress through the country. He pleaded the absolution; but was tried, condemned, and instantly executed. The Pope, it was remarked by the Regent Randolph, might absolve him from the spiritual consequences of the sin, but it was nevertheless right that he should suffer for the crime committed against the law. Aware of the important influence of the local magistrates and judges, he made every sheriff responsible for the thefts committed within his jurisdiction; so that, according to the simple illustrations of the chronicles of those times, the traveller might tie his horse to the inn-door, and the ploughman leave his ploughshare and harness in the field, without fear; for if carried away, the price of the stolen article came out of the pocket of the sheriff. Anxious for the continuance of peace, Randolph sent Roger of Fawside on an amicable mission to the English king, whilst he took care at the same time to strengthen the borders, to repair the fortifications of the important town of Berwick, and commanded John Crab, the experienced Flemish mercenary, whom he retained in the pay of Scotland, to remain in that city, and keep a watch upon the motions of England.[3]

In the meantime, as soon as the season of the year permitted, Douglas, having the heart of his beloved master under his charge, set sail from Scotland, accompanied by a splendid retinue, and anchored off Sluys in Flanders, at this time the great seaport of the Netherlands.[4] His object was to find out companions with whom he might travel to Jerusalem; but he declined landing, and for twelve days received all visitors on board his ship

[1] It is unfortunate that the Rotuli Scotiæ, from which some of the most authentic and valuable materials for Scottish history are to be drawn, are wanting from the first year to the seventh of the reign of Edward the Third. Rotuli Scotiæ, p. 224. From 22d January 1327-8 to 1st April 1333.

[2] Fordun a Goodal, chap. xviii. book xiii. vol. ii. p. 297.

[3] Fordun a Goodal, vol. ii. p. 297. Winton, vol. ii. p. 139. Chamberlain's Accounts, pp. 171, 227, 228. See Illustrations, CC.

[4] Rymer's Fœdera, vol. iv. p. 400.

with a state almost kingly. He had with him seven noble Scottish knights, and was served at table by twenty-eight squires of the first families in the country. "He kept court," says Froissart, "in a royal manner, with the sound of trumpets and cymbals; all the vessels for his table were of gold and silver; and whatever persons of good estate went to pay their respects to him were entertained with the richest kinds of wine and spiced bread.[1] At Sluys he heard that Alonzo, the king of Leon and Castile, was carrying on war with Osmyn, the Moorish governor of Granada. The religious mission which he had embraced, and the vows he had taken before leaving Scotland, induced Douglas to consider Alonzo's cause as a holy warfare; and before proceeding to Jerusalem, he first determined to visit Spain, and to signalise his prowess against the Saracens. But his first field against the infidels proved fatal to him, who, in the long English war, had seen seventy battles.[2] The circumstances of his death were striking and characteristic. In an action near Theba, on the borders of Andalusia, the Moorish cavalry were defeated; and after their camp had been taken, Douglas, with his companions, engaged too eagerly in the pursuit, and being separated from the main body of the Spanish army, a strong division of the Moors rallied and surrounded them. The Scottish knight endeavoured to cut his way through the infidels; and in all probability would have succeeded, had he not again turned to rescue Sir William Saint Clair of Roslin, whom he saw in jeopardy. In attempting this, he was inextricably involved with the enemy. Taking from his neck the casket which contained the heart of Bruce, he cast it before him, and exclaimed with a loud voice, "Now pass onward as thou wert wont, and Douglas will follow thee or die!"[3] The action and the sentiment were heroic; and they were the last words and deed of a heroic life, for Douglas fell, overpowered by his enemies; and three of his knights, and many of his companions, were slain along with their master.[4] On the succeeding day, the body and the casket were both found on the field, and by his surviving friends conveyed to Scotland. The heart of Bruce was deposited at Melrose, and the body of the "Good Sir James," the name by which he is affectionately remembered by his countrymen, was consigned to the cemetery of his fathers in the parish church of Douglas.

Douglas was the model of a noble and accomplished knight, in an age when chivalry was in its highest splendour. He was gentle and amiable in society, and had an open and delightful expression in his countenance, which could hardly be believed by those who had only seen him in battle. His hair was black, and a little grizzled; he was broad-shouldered, and somewhat large-boned; but his limbs were cast in the mould of fair and just proportion. He lisped a little in his speech; but this defect, far from giving the idea of effeminacy, became him well, when contrasted with his high and warlike bearing.[5] These minute touches, descriptive of so great a man, were communicated by eye-witnesses to Barbour, the historian of Bruce.

The Good Sir James was never married; but he left a natural son, William Douglas, who inherited the military talents of his father, and with whom we shall soon meet, un-

[1] Froissart, p. 117, vol. i. Ed. de Buchon.
[2] Fordun a Goodal, vol. ii. p. 302.
[3] Barbour a Pinkerton, vol. iii. p. 171.

[4] The three knights were Sir William Sinclair of Roslin, Sir Robert and Sir Walter Logan. Boece, who might have consulted Bower in his continuation of Fordun, or Barbour, prefers his own absurd inventions, which he substitutes at all times in the place of authentic history. Buchanan, b. viii. c. 58, erroneously states that Douglas went to assist the King of Arragon, and that he was slain "post aliquot prosperas pugnas." In Buchon's Notes to Froissart, vol. i. p. 118, we find "that the object of the Moors was to raise the siege of Gibraltar, then straitly invested by the Spaniards. On their approach, Alonzo raised the siege, and marched against the enemy." Hume of Godscroft, in his Hist. of Douglas and Angus, vol. i. p. 96, adopts Boece's fable as to Douglas having been thirteen times victorious over the Saracens.
[5] Barbour, p. 15.

der the title of the Knight of Liddesdale.

Soon after this disaster, which deprived Scotland of one of its best defenders, David, then in his eighth year, and his youthful queen, were crowned with the usual solemnities at Scone,[1] on which occasion the royal boy, after having been himself knighted by Randolph the regent, surrounded by his barons and nobles, conferred knighthood on the Earl of Angus, Thomas, earl of Moray, Randolph's eldest son, and others of his nobles. His father Robert, in consequence of his disagreement with the court of Rome, had never been anointed King;[2] but in virtue of a special bull from the Pope, the Bishop of St Andrews poured the holy oil on the head of his successor.[3]

Notwithstanding the wise administration of Randolph, the aspect of public affairs in Scotland began to be alarming, and the probability of a rupture with England became every day more apparent. The designs of Edward Baliol, and the dissembling conduct of Edward the Third, have been already alluded to; and it unfortunately happened that there were circumstances in the present state of Scotland which gave encouragement to these schemes of ambition. During the wars of King Robert, many English barons who had been possessed of estates in that country, and not a few Scottish nobles who had treacherously leagued with England, were disinherited by Bruce, and the lands seized by the crown. By the treaty of Northampton, it was expressly provided that the Scottish estates of three of those English barons, Henry Percy, Thomas Lord Wake, and Henry Beaumont, should be restored. Percy was accordingly restored, but, notwithstanding the repeated requisitions of the English king, the Scottish regent delayed performance of the stipulations in favour of Wake and Beaumont, and there were strong reasons both in justice and expediency for this delay.[4] Wake claimed the lordship of Liddel, which would have given him an entrance into Scotland by the Western Marches, while Beaumont, one of the most powerful barons in England, who, in right of his wife, claimed the lands and earldom of Buchan, might have excited disturbances, and facilitated the descent of an enemy upon the coast. These were not the only considerations which induced Randolph to suspend performance of this part of the engagement. Henry de Beaumont and Lord Wake had violently opposed the whole treaty of Northampton, and declared themselves enemies to the peace with Scotland; they had leagued with the disinherited Scottish barons, and had instigated Baliol to an invasion of that country, and an assertion of his claim to the crown. The English king, on the other hand, although speciously declaring his intention to respect that treaty,[5] extended his protection to Edward Baliol; and when he was perfectly aware that a secret conspiracy for the invasion of Scotland was fostered in his court, of which Baliol, Wake, and Beaumont, were the principal movers, he yet preposterously demanded of Randolph to restore Beaumont and Wake to their estates in that country.[6]

The power and opulence of Beaumont induced the whole body of the disinherited barons[7] to combine their strength; and, aware that no effectual measures for suppressing their attempt would be used by Edward,[8] they openly put themselves at the head of three

1 Fordun a Goodal, vol. ii. p. 302.

2 Winton, book viii. chap. 24, p. 137, vol. ii.

3 The coronation oath, in its full extent, is not given by any ancient historian; but in one part of it the king solemnly swore that he would not alienate the crown lands, or any of the rents of the same; and that whatever lands and revenues fell to the crown, should not be bestowed upon subjects without mature advice.—Robertson's Parl. Records of Scotland, p. 97.

4 Rymer's Fœdera, vol. iv. p. 461.

5 Rymer, vol. iv. p. 470.

6 Ibid. vol. iv. pp. 445, 452, 511, and 518.

7 Their names and titles are given by Leland, Collect. vol. i. pp. 552, 553. The ancestors of Lord Ferrers, one of these disinherited lords, were settled in Scotland as far back as 1288. See Excerpta ex Rotulis Compot. Temp. Alex. III. p. 56, Chamberlain's Accounts.

8 Rapin's Acta Regia, vol. i. p. 201. Rymer's Fœdera, vol. iv. p. 590.

hundred armed horse and a small body of infantry, and declared their design of subverting the government of Bruce, and placing Baliol on the throne. It was their first intention to invade Scotland by the marches, but to this the King of England would not consent: he allowed them, however, without any offer of opposition, to embark at Ravenshire, near the mouth of the Humber, with the design of making a descent on the coast, while, to preserve the appearance of the good faith which he had broken, he published a proclamation, enjoining his subjects strictly to observe the treaty of Northampton.[1] In the meantime, Randolph the regent, who, with his wonted activity, had put himself at the head of an army to resist these hostile designs, died suddenly, without any apparent cause,[2] and not without the strongest suspicion of his having been poisoned. Winton and Barbour, both historians of high credit, and the last almost a contemporary, assert that he came by his death in this foul manner, and that the poison was administered to him at a feast held at his palace of the Wemyss, by a friar who was suborned by the faction of Beaumont.[3] It is certain, at least, that the friar took guilt to himself, by a precipitate flight to England.

In the Earl of Moray Scotland lost the only man whose genius was equal to manage the affairs of the nation, under circumstances of peculiar peril and difficulty. In his mind we can discern the rare combination of a cool judgment with the utmost rapidity and energy of action; and his high and uncorrupted character, together with his great military abilities, kept down the discordant factions which began to shew themselves among the nobility, and intimidated the conspirators who meditated the overthrow of the government. Upon his death, a parliament assembled at Perth for the election of his successor, and the spirit of civil disunion broke out with fatal violence. After great contention amongst the nobility, Donald, earl of Mar, nephew to the late king, was chosen regent.[4] This nobleman was in every way unfitted for so arduous a situation. When a child, he had been carried into England by Edward the First, and on being released from captivity, had continued to reside in that country, and had even carried arms in the English army against Scotland. Although he was afterwards restored to his country, and employed by Bruce, it was in a subordinate military command. The king appears to have considered his talent for war as of an inferior order, and the result shewed how well Bruce had judged.[5] In the meantime, on the very day that the reins of the state fell into this feeble hand, word was brought that the fleet of Edward Baliol, and the disinherited barons, had appeared in the Forth. They landed soon after with their army at Wester Kinghorn, where the ground was so unfavourable for the disembarking of cavalry, that a small force, led by any of the old captains of Bruce, would have destroyed the daring enterprise in its commencement. But Mar, who was at the head of a Scottish army more than ten times the strength of the English, lingered at a distance, and lost the opportunity; whilst Alexander Seton threw himself, with a handful of soldiers, upon the English, and was instantly overpowered and cut to pieces.[6] Baliol immediately advanced to Dunfermline, where he found a seasonable supply for his small army in five hundred spears, and a quantity of provisions, laid up there by the orders of Randolph, then recently dead.[7]

[1] Rymer, vol. iv. pp. 518, 529.

[2] He died at Musselburgh, and was buried at Dunfermline, Bower's Continuat. Fordun, vol. ii. p. 300. Hailes seems to have borrowed his scepticism on Randolph's death from Tyrrel, vol. iii. p. 372, who gives no ground for his opinion. See Remarks on this subject, Illustrations, letters DD.

[3] Winton, vol. ii. p. 146. Barbour a Pinkerton, vol. iii. p. 179. Fordun a Goodal, vol. ii. p. 299.

[4] Winton, vol. ii. p. 147. Fordun a Hearne, p. 1018.

[5] Barbour, pp. 387, 389. Rotuli Scotiæ, 13 Ed. II. m. 3.

[6] Fordun a Hearne, vol. iv. pp. 1018, 1019. Scala Chronicle, p. 159.

[7] Leland, Collect. vol. i. p. 553. Randolph had died twelve days before. Knighton, p. 2560.

When he first effected a landing, he had with him only four hundred men; but by this time he had collected a force of about two thousand foot soldiers;[1] and feeling more confident, he commanded his fleet to sail round the coast, and anchor in the mouth of the Tay, while he himself pushed on to Perth, and encamped near Forteviot, having his front defended by the river Earn. On the opposite bank lay the extensive tract called Dupplin Moor, upon which the Earl of Mar drew up his army, consisting of thirty thousand men, excellently equipped, and commanded by the principal nobility of Scotland. Eight miles to the west of Forteviot, at Auchterarder, was the Earl of March, at the head of an army nearly as numerous, with which he had advanced through the Lothians and Stirlingshire, and threatened to attack the English in flank.

Nothing could be imagined more perilous than the situation of Baliol; but he had friends in the Scottish camps.[2] Some of the nobility, whose relatives had suffered in the Black Parliament, were decided enemies to the line of Bruce, and secretly favoured the faction of the disinherited barons; so that, by means of the information which they afforded him, he was enabled, with a force not exceeding three thousand men, to overwhelm the army of Mar at the moment that his own destruction appeared inevitable.[3]

It is asserted by an English historian, on the authority of an ancient manuscript chronicle, that the newly elected regent had entered into a secret correspondence with Baliol; but the conduct of that ill-fated nobleman appears to have been rather that of weakness and presumption than of treachery.[4] Aware of the near presence of the enemy, he kept no watch, and permitted his soldiers to abandon themselves to riot and intemperance. Andrew Murray of Tullibardine, a Scottish baron, who served in the army of March, basely conducted the English to a ford in the river, which he had marked by a large stake driven into its channel.[5] Setting off silently at midnight, Baliol passed the river, and marching by Gask and Dupplin, suddenly broke in upon the outposts of the Scottish camp, and commenced a dreadful slaughter of their enemies, whom they mostly found drunken and heavy with sleep.[6] The surprise, although unfortunate, was not at first completely fatal. Young Randolph, earl of Moray, Murdoch, earl of Menteith, Robert Bruce, a natural son of King Robert, and Alexander Fraser, hastily collected three hundred troops, and with the desperate courage of men who felt that all hung upon gaining a few moments, checked the first onset and drove back the English soldiers. This gave time for the main body of the Scots to arm, and as the morning had now broke, the small numbers of the assailants became apparent. But the military incapacity of the regent destroyed the advantage which might have been improved, to the total discomfiture of Baliol. Rushing down at the head of his army, without order or discipline, the immense mass of soldiers became huddled and pressed together; spearmen, bowmen, horses, and infantry, were confounded in a heap, which bore down headlong upon the English, and in an instant overwhelmed Randolph and his little phalanx.[7] The confusion soon became inextricable: multitudes of the Scottish soldiers were suffocated and trodden down by their own men; and the English, preserving their discipline, and under brave and experienced leaders, made a pitiless slaughter.

The rout now became total, and the carnage, for it could not be called a battle, continued from early dawn till nine in the morning, by which

[1] Knighton, p. 2560. Leland, Col. vol. i. p. 553. Walsingham, p. 131. Fordun a Goodal, vol. ii. p. 307, says, "six hundred was the original number."

[2] Fordun a Goodal, vol. ii. p. 304.

[3] Bower's Continuat. Fordun, vol. ii. p. 301. "Annon audivisti de internecione nobilium in Nigro Parliamento? Generatio eorum tibi adstabit." Winton, vol. ii. p. 151. The place where the disinherited lords encamped was called "Miller's Acre."

[4] Barnes' Hist. of Ed. III., p. 60.

[5] Fordun a Goodal, vol. ii. p. 307.

[6] Ibid. p. 305.

[7] Winton, vol. ii. pp. 152, 153.

time the whole of the Scottish army was slain, dispersed, or taken prisoners. So rapid and easy had been the victory, that the English ascribed it to a miraculous interference for their preservation, and the Scots to a sudden infliction of divine vengeance. But the military incapacity of Mar, and the treachery of Murray, sufficiently account for the disaster.

On examining the field it was found that multitudes had perished without stroke of weapon, over-ridden by their own cavalry, suffocated by the pressure and weight of their armour, or trod under foot by the fury with which the rear ranks had pressed upon the front.[1] On one part of the ground the dead bodies lay so thick that the mass of the slain was a spear's length in depth.[2] It is difficult to estimate the numbers of those who fell; but amongst them were some of the bravest of the Scottish nobility. The young Randolph, earl of Moray, whose conduct that day had been worthy of his great father; Robert, earl of Carrick, a natural son of King Edward Bruce; Alexander Fraser, Chamberlain of Scotland, who had married the sister of the late king; Murdoch, earl of Menteith, and the Regent Mar himself, were amongst the slain. In addition to these, there fell many Scottish knights and men-at-arms, and probably not less than thirteen thousand infantry and camp followers.[3] Duncan, earl of Fife, was made prisoner after a brave resistance, in which three hundred and sixty men-at-arms, who fought under his banner, were slain. Of the English the loss was inconsiderable: besides those of less note, it included only two knights and thirty-three esquires, a disparity in the numbers which, although very great, is not without parallel in history.[4] There does not occur in our Scottish annals a greater or more calamitous defeat than the rout at Dupplin, even when stripped of the additions of some English historians.[5] It was disgraceful, too, as its cause is to be found in the military incapacity of Mar the leader, and in the acknowledged treachery of one, and probably of more than one, of the Scottish barons. The principal of these, Murray of Tullibardine, was speedily overtaken by the punishment which he deserved: he was made prisoner at Perth, tried, condemned, and executed.[6]

After the battle of Dupplin, Baliol instantly pressed forward and took possession of Perth, which he fortified by palisades, with the intention of abiding there the assault of the enemy, for the Earl of March was still at the head of a powerful army of thirty thousand men. March was a baron of great landed power, but lightly esteemed by all parties;[7] timid, and intent upon his own interest, unwilling to peril his great estates by an adherence to the losing side, and possessed of no military talents. Upon hearing the account of the defeat at Dupplin, he passed with his army over the field of battle, which presented a ghastly confirmation of the tale; and on reaching Lammerkin Wood, commanded the soldiers to cut fagots and branches to be used in filling up the fosse, should they assault Perth, against which town he now advanced. The near approach of so great an army alarmed the citizens, who began to barricade the streets and the approach to their houses. But on reaching the high ground immediately above the town, March commanded his men to halt. Beaumont, who intently watched his operations, observing this, called out "to take courage, for he knew they had friends in that army, and need fear no assault."[8] It is probable that, in the halt made by March, Beaumont recognised a sign of his friendly intentions, which had been previously agreed on. It is probable,

[1] Fordun a Goodal. vol. ii. p. 305.
[2] Winton, vol. ii. p. 155. Laner. Chron. p. 268.
[3] Walsingham, p. 131. Fordun a Hearne, vol. iv. p. 1019.
[4] At Cressy, the English lost only three knights and one esquire.
[5] Echard, p. 145. Tyrrel, vol. iii. p. 372.
[6] Fordun a Hearne, vol. iv. p. 1020. Fordun a Goodal, vol. ii. p. 307.
[7] Scala Chron. p. 161. Hailes, vol. ii. p. 189. 8vo edition.
[8] Winton, vol. ii. p. 156. Fordun a Goodal, vol. ii. p. 306.

at least, that this powerful baron himself, and certain that some of his leaders, had engaged in a correspondence with Baliol; as the intended assault was delayed, and the protracted measure of a blockade preferred; a change which, in the mutual situation of the two parties, can be accounted for on no ground but that of a friendly feeling to Baliol. At this moment, Crab, the Flemish mercenary, appeared with his fleet in the Tay, and attacked the English ships. He was at first successful, and made a prize of the Beaumondscogge, Henry de Beaumont's vessel; but the rest of the squadron defended themselves with such resolution, that in the end Crab was defeated, and compelled to fly to Berwick.[1] This disaster gave March a plausible pretext for deserting. The blockade was changed into a retrograde movement, which soon after ended in the total dispersion of the Scottish army, and, after a decent interval, in the accession of the Earl of March to the English interest.[2]

[1] Walsingham, p. 130. The Cogga de Benmond, or Beaumondscogge, was purchased by the State in 1337. It had become the property of Reginald More, Chamberlain of Scotland, who sold it to the king for two hundred pounds. Chamberlain's Accounts, p. 256.

[2] Lord Hailes, Ann. vol. ii. p. 155, in a note, exculpates March, and softens his accession to the English lords. He tries to shew that March raised the leaguer of Perth not from treachery but necessity. It is evident that much of the question as to March's treachery, and that of the "noble persons" who acted along with him, hangs on Beaumont's speech. Now, Hailes has curtailed it. Beaumont really said, "Take courage, for that army, as I conjecture, will not hurt us, *because I perceive, without doubt, our friends and well-wishers amongst them.*" The author of the Annals makes him say, "Take courage, these men will not hurt us;" and he then observes, "Whether he said this merely to animate the English, or whether he formed his conjecture from the disordered motions of the enemy, or whether he indeed discerned the banners of some noble persons who secretly favoured Baliol, *is uncertain.*" Now there is really no uncertainty about the speech. Beaumont, in the part of the passage which Hailes has overlooked, expressly affirmed *that he perceived friends in March's army.* Had he consulted Winton, he would have found that this old and authentic chronicler, vol. ii. p. 156, makes Beaumont say,—

"Look that ye be
Merry and glad, and have no doubt.
For we have friends in yon rout."

[3] Winton, vol. ii. p. 157.

Baliol, secure from all opposition for the present, now repaired to Scone, and in the presence of many of the gentry from Fife, Gowry, and Strathern, was crowned King of Scotland.[3] Duncan, earl of Fife, who had joined the English party, and Sinclair, bishop of Dunkeld, officiated at the solemnity.

The chief causes which led to this remarkable revolution, destined for a short time to overthrow the dynasty of Bruce, are not difficult of discovery. The concluding part of the late king's reign, owing to the severity with which he punished the conspiracy of Brechin, had been unpopular; and part of the discontented nobility were not slow in turning their eyes from the line of Bruce, which his great energy and military talents had compelled them to respect, to the claims of Baliol, weak in personal power, but, as they imagined, better supported in right and justice. A party of English barons, headed by Henry Beaumont, one of the most influential subjects in England, having been dispossessed by Bruce of their estates in Scotland, determined to recover them by the sword, and united themselves with Baliol, concealing their private ambition under the cloak of re-establishing the rightful heir upon the throne. They were mostly men of great power, and were all of them more or less connected with the numerous sept of the Comyns, the inveterate enemies of Bruce. They received private encouragement and support from the King of England, and they began their enterprise when the civil government in Scotland, and the leading of its armies, was in the hands of Mar and March; the first a person of no talents or energy, and suspected of being inclined to betray his trust; the second undoubtedly a favourer of the English party.

There was nothing, therefore, extraordinary in the temporary recovery of the crown by Baliol; but a short time shewed him how little dependence was

to be placed on such a possession. The friends of the line of Bruce were still numerous in the country: amongst them were the oldest and most experienced soldiers in Scotland; and the feelings of the nation were entirely on their side. Their first step was a decided one. Anxious for the safety of the young king, then a boy in his ninth year, they sent him and his youthful queen with speed to the court of France, where they were honourably and affectionately received by Philip the Sixth.[1]

Perth had been fortified by the disinherited lords; after which Baliol made a progress to the southern parts of Scotland, and committed the custody of the town to the Earl of Fife. It was soon after attacked and stormed by Sir Simon Fraser and Sir Robert Keith, who destroyed the fortifications, and took the constable Fife and his daughter prisoners. Upon this first gleam of success, Sir Andrew Moray of Bothwell, who had married Christian, the sister of the late king, was chosen regent. Meanwhile Baliol, with ready pusillanimity, hastened to surrender to Edward the liberties of Scotland; and the English king moved on to the borders with the declared purpose of attending to the safety of that divided country. The transactions which followed at Roxburgh throw a strong light upon the characters of both sovereigns.

After his many hypocritical declarations as to the observation of the treaty of Northampton, the English king now dropt the mask, and declared that the successes of Baliol in Scotland were procured by the assistance of his good subjects, and with his express permission or sufferance.[2] In return for this assistance, Baliol acknowledged Edward as his feudal lord, and promised that he would be true and loyal to the English king and to his heirs, the rightful sovereigns of the kingdom of Scotland. In addition to this, he agreed to put Edward in possession of the town, castle, and territory of Berwick, and of other lands upon the marches, extending to the value of two thousand pounds; and, affecting to consider the Princess Joanna of England as only betrothed to King David Bruce, he proposed himself as a more convenient match, and offered to provide for David Bruce in whatever way Edward should think fit. He lastly promised to assist the English king, in all his wars, with two hundred men-at-arms, maintained at his own charges; and he engaged that his successors should furnish a hundred men-at-arms for the same service. The penalty affixed to the breach of this agreement was a fatal part of the treaty. If Baliol, or his successors, neglected to appear in the field, they became obliged to pay to England the enormous sum of two hundred thousand pounds sterling; and if this money could not be raised, it was agreed that Edward should take possession of the "remainder of Scotland and the isles. This last obligation, which was to be perpetually in force, evidently gave Edward the power of draining Scotland of its best soldiers, and, in the event of resistance, of at once seizing and appropriating the kingdom.[3]

Thus, in a moment of sordid selfishness, were the chains, which had cost Robert Bruce thirty years' war to break, again attempted to be fixed upon a free country, and this by the degenerate hands of one of her own children. But Baliol's hour of prosperity was exceeding brief. Strong, as he imagined, in the protection of the King of England, and encouraged in his security by the readiness with which many of the Scottish barons had consented to recognise his title,[4] the new king lay carelessly encamped at Annan, not aware of the approach of a body of armed horse, under the command of the Earl of Moray, the second son of the great Randolph, along with Sir Simon Fraser and Archibald Douglas, brother to Bruce's old companion-in-arms, the Good Sir

[1] Winton, vol. ii. p. 158. Fordun a Goodal, vol. ii. p. 307.

[2] Rymer's Fœdera, vol. iv. p. 538. The deed is dated Roxburgh, 23d November 1332.

[3] Fœdera, vol. iv. pp. 536 and 548.

[4] Fordun a Hearne, pp. 1020, 1021. Winton, vol. ii. p. 159.

James. These barons, informed of the new king's remissness in his discipline, made a sudden and rapid march from Moffat, in the twilight of a December evening, and broke in upon him at midnight. Taken completely by surprise, the nobles who were with him, and their vassals and retainers, were put to the sword without mercy. Henry Baliol, his brother, after a gallant resistance, was slain; and Walter Comyn, Sir John de Mowbray, and Sir Richard Kirby, met their deaths along with him. Alexander, earl of Carrick, was made prisoner; and Baliol, in fear of his life, and almost naked, threw himself upon a horse, and with difficulty escaped into England.[1] Carrick, the natural son of King Edward Bruce, would have been executed as a traitor, but young Randolph interfered and saved his life. With the assistance of strangers and mercenary troops, it had cost Baliol only seven weeks to gain a crown: in less than three months it was torn from his brow, he himself chased from Scotland, and cast once more a fugitive and an exile upon the charity of England.[2]

Encouraged by this success, and incensed at the assistance given by Edward to Baliol and the disinherited lords, the Scottish leaders began to retaliate by breaking in upon the English borders. It is a singular instance of diplomatic effrontery that the English king, on hearing of this invasion, accused the Scots of having violated the treaty of Northampton;[3] in his correspondence with the King of France and the court of Rome, he does not hesitate to cast upon that nation the whole blame of the recommencement of the war;[4] and as if this was not enough, the English historians accuse them, in broad terms, of having attacked Baliol at Annan during the existence of a truce. Both the one and the other assertion appear to be unfounded.[5]

Hostilities having again broke out between the two nations, the border inroads recommenced with their accustomed fury; but at first were attended with circumstances disastrous for Scotland. It happened that Baliol, after his flight from Annan, had experienced the Christmas hospitality of Lord Dacres; in return for which kindness, Archibald Douglas, at the head of a small army of three thousand men, broke in upon Gillsland, and wasted the country belonging to Dacres with fire and sword, spreading desolation for a distance of thirty miles, and carrying off much booty. To revenge this, Sir Anthony Lucy of Cockermouth, and William of Lochmaben, with eight hundred men, penetrated into Scotland; but on their return were encountered by Sir William Douglas, commonly called the Knight of Liddesdale, and at that time keeper of Lochmaben castle. After a conflict, in which Lucy was grievously wounded, Douglas was totally defeated. Of the Scots, a hundred and sixty men-at-arms, including Sir Humphrey Jardine, Sir Humphrey Boys, and William Carlisle, were left on the field, and the best of the chivalry of Annandale were either slain or made captive.[6] Amongst the prisoners were Douglas himself, Sir William Baird, and a hundred other knights and gentlemen.

So anxious was Edward to secure the prize he had won in the Knight of Liddesdale, a natural son of the Good Sir James, who inherited his father's remarkable talents for war, that he issued orders for his strict

[1] Winton, vol. ii. p. 161. Lanercost Chron. p. 271.

[2] He landed 31st July, and was crowned 24th Sept. He was surprised and chased into England on 16th December.

[3] Rymer's Fœdera, vol. iv. p. 552.

[4] During the whole period of his intrigues and alliance with Baliol, both before and after his successes in Scotland, Edward had taken especial care, in his correspondence with Rome, to keep the Pope ignorant of the real state of Scottish affairs; and the cause of this sedulous concealment was the dread of being subjected in the payment of two thousand pounds, the stipulated fine in case he infringed the treaty. Knighton, p. 256.

[5] Lingard's Hist. of England, vol. iv. p. 23. The passage in Knighton, p. 2562, does not seem to me conclusive; for neither March nor Douglas were at the head of affairs, but Sir Andrew Moray.

[6] Walsingham, p. 132.

confinement in iron fetters;[1] and Baliol having, a short time before this success, again entered Scotland, and established himself in the castle of Roxburgh, endeavoured to confirm his authority in Annandale, by bestowing the lands of the knights who were slain upon his English followers.[2]

Another disaster followed hard upon the defeat of Douglas at Lochmaben. The regent, Sir Andrew Moray, with a strong body of soldiers, attacked and attempted to storm the castle of Roxburgh, where Baliol then lay. A severe conflict took place on the bridge; and in the onset, Ralph Golding, an esquire in the regent's service, pushing on far before the rest, was overpowered by the English. Moray, in the ardour of the moment, more mindful of his duty as a knight than a leader, attempted singly to rescue him, and instantly shared his fate.[3] Disdaining to surrender to any inferior knight, he demanded to be led to the King of England; and being brought to Edward, was thrown into prison, where he remained for two years. The Scots, who at their greatest need had lost in Douglas and Moray two of their best soldiers, endeavoured to supply their place by conferring the office of regent upon Archibald Douglas, lord of Galloway, the brother of the Good Sir James.[4]

In consequence of these advantages, Edward determined to carry on the war with renewed spirit. He assembled a powerful army, besought the prayers of the Church for his success, and wrote to the Earl of Flanders, and to the magistrates of Bruges, Ghent, and Ypres, requesting them to abstain from rendering assistance to the Scots.[5] He informed the King of France, who had interposed his good offices in behalf of his ancient allies, that, as they had repeatedly broken the peace, by invading and despoiling his country, he was necessitated to repel such outrages by force of arms;[6] and having taken these preliminary steps, he put himself at the head of his army, and sat down before Berwick.

The Scots, on their side, were not unprepared to receive him. Although Crab's disaster, in the former year, had weakened their strength by sea, they still possessed a fleet of ships of war, which committed great havoc on the English coasts, and plundered their seaports;[7] and Douglas, the regent, exerted himself to raise an army equal to the emergency. The defence of the castle of Berwick was imprudently committed to the Earl of March, whose conduct, after the battle of Dupplin, had evinced already the strongest leaning to the English interest; the command of the town was intrusted to Sir Alexander Seton.[8] The garrison appears neither to have been numerous nor well supplied; but for some time they made a gallant defence, and succeeded in sinking and destroying by fire a great part of the English fleet. Edward at first attempted to fill up the ditch with hurdles, and to carry the town by assault; but having been repulsed, he converted the attack into a blockade; and as the strength and extent of his lines enabled him to cut off all supplies, it became apparent that, if not relieved, Berwick eventually must fall. After a protracted blockade, a negotiation took place, by which the besieged agreed to capitulate by a certain day, unless succours were thrown into the town before that time; and for the performance of the stipulations, the Scots delivered hostages to Edward, amongst whom was a son of Seton, the governor.[9] The period had nearly expired, when, one morning at the break of day, the citizens, to their great joy, saw the army of Scotland, led by the regent in person, approach the Tweed, and cross the river at the Yare ford. They approached Berwick on the south side of

[1] Rymer's Fœdera, vol. iv. p. 552.
[2] Rotuli Scotiæ, 8 Ed. III., 18th Nov. vol. i. p. 294.
[3] Fordun a Goodal, vol. ii. pp. 309, 310.
[4] Ibid. p. 310.
[5] Rotuli Scotiæ, 7 Ed. III., vol. i. pp. 233, 234. Fœdera, vol. iv. p. 556.
[6] Fœdera, vol. iv. p. 557.
[7] Rotuli Scotiæ, vol. i. pp. 233, 249, and 252.
[8] Scala Chron. pp. 162, 163, and Rotuli Scotiæ, vol. i. p. 272. Compot. Camerarii Scotiæ, p. 255.
[9] Ibid.

the river; and although the English endeavoured to defend every passage, Sir William Keith, Sir William Prendergest, and Sir Alexander Gray, with a body of Scottish soldiers, succeeded in throwing themselves into the town. The main body of the Scots, after having remained drawn up in order of battle, and in sight of the English army, for a day and a half, struck their tents at noon of the second day, and, with the hope of producing a diversion, entered Northumberland, and wasted the country. But although they menaced Bamborough Castle, where Edward had placed his young queen, that monarch, intent upon his object, continued before Berwick; and on the departure of the Scottish army, peremptorily required the town to be given up, as the term stipulated for their being succoured had expired. With this demand the besieged refused to comply: they asserted that they had received succours, both of men and of provisions; the knights, they said, who had led these succours, were now with them; out of their number they had chosen new governors, of whom Sir William Keith was one; and they declared their intention of defending the city to the last extremity.[1] Edward upbraided the citizens, accused them of duplicity, and requested the advice of his council with regard to the treatment of the hostages. It was their opinion that the Scots had broken the stipulations of the treaty, and that their lives were forfeited. The king then commanded the son of the late governor to prepare for death, expecting that the threatened severity of the example, and the rank and influence of his father, would induce the townsmen to surrender. But he was disappointed; and Thomas Seton, a comely and noble-looking youth, was hanged before the gate of the town,[2] so near, it is said, that the unhappy father could witness the execution from the walls.[3] Immediately after this, the citizens became alarmed for the lives of the rest of the hostages, and from affection for their children, renewed the negotiations for surrender, unless succoured before a certain day. To this resolution Keith, their governor, encouraged them, by holding out the sure hope of the siege being raised by the Scottish army, which he represented as superior to that of England.[4] Unhappily they embraced his advice. It was stipulated, in a solemn instrument yet preserved, and with a minuteness which should leave no room for a second misunderstanding, that Berwick was to be given up to the English, unless the Scots, before or on the 19th of July, should succeed in throwing two hundred men-at-arms into the town by dry land, or should overcome the English army in a pitched field.[5]

Keith, the governor of the town, was permitted, by the treaty of capitulation, to have an interview with the regent, Archibald Douglas. He represented the desperate situation of the citizens; magnified the importance of the town, which must be lost, he said, unless immediately relieved; and persuaded the regent to risk a battle. The resolution was the most imprudent that could have been adopted. It was contrary to the dying injunctions of Bruce, who had recommended his captains never to hazard a battle if they could protract the war and lay waste the country; and especially so at this moment, as desertion and mutiny now began to shew themselves in the English army, which all the endeavours of Edward had not been able to suppress.[6] Notice, too, had reached the camp,

1 Scala Chron. pp. 163, 164.
2 Fordun a Hearne, vol. iv. p. 1022.
3 See Illustrations, letters EE.

4 Scala Chron. in Hailes, pp. 163, 164. Ad Murimuth, p. 80. Hailes says, and quotes Fordun, book xiii. chap. xxvii. as his authority, that during a general assault the town was set on fire, and in a great measure consumed; and that the inhabitants, dreading a storm, implored Sir William Keith and the Earl of March to seek terms of capitulation. Neither Fordun, nor his continuator, Bower, nor Winton, say anything of the town having been set on fire. The English historians, Walsingham and Hemingford, indeed assert it; but it is not to be found in the narrative of the Scala Chronicle, which appears to be the most authentic; I have therefore omitted it.
5 Fœdera, vol. iv. pp. 566, 567.
6 Rotuli Scot. 7 Ed. III. m. 26, dorso, vol. i. p. 235.

of illegal meetings and confederations having taken place in London during the king's absence, and the people of the northern shires had peremptorily refused to join the army; so that there was every probability that it must soon have been disbanded.[1]

It was in expectation of this result, Seton, the former governor, had determined to hold out the town to the last extremity, and sternly refused to capitulate, although the life of his son hung upon the issue. But his resolution was counteracted by the rashness of Keith, the new governor of the town, as well as by the excusable affection of the citizens for their sons, who were hostages. The regent suffered himself to be overruled; and on the day before the festival of the Virgin, being the 18th of July, the Scottish army crossed the Tweed, and encamped at a place called Dunsepark. Upon this, Edward Baliol and the King of England drew up their forces on the eminence of Halidon Hill, situated to the west of the town of Berwick. Nothing could be more advantageous than the position of the English. They were divided into four great battles, each of which was flanked by choice bodies of archers. A marsh separated the hill on which they stood from the opposite eminence, and on this rising ground the Scottish commanders halted and arranged their army.[2] It consisted also of four divisions, led respectively by the regent Douglas; the Steward of Scotland, then a youth of seventeen, under the direction of his uncle, Sir James Stewart; the Earl of Moray, son of Randolph, assisted by two veteran leaders of approved valour, James and Simon Fraser; and the Earl of Ross. The nature of the ground rendered it impossible for the English position to be attacked by cavalry. Their adversaries accordingly fought on foot, and the leaders and heavy-armed knights having dismounted, delivered their horses to be kept by the camp-boys in the rear. Before reaching their enemy, it was necessary for the Scottish army to march through the soft and unequal ground of the marsh; an enterprise which required much time, and was full of danger, as it inevitably exposed the whole host to the discharge of the English archers, the fatal effects of which they had experienced in many a bloody field. Yet, contrary to the advice of the elder officers, who had been trained under Bruce and Randolph, this desperate attempt was made; and the Scots, with their characteristic impetuosity, eagerly advanced through the marsh. The consequence was what might have been expected: their ranks, crowded together, soon fell into confusion; their advance was retarded; and the English archers, who had time for a steady aim, plied their bows with such deadly effect, that great numbers were every instant slain or disabled. An ancient manuscript says that the arrows flew as thick as motes in the sunbeam, and that their enemies fell to the ground by thousands.[3] It could not indeed be otherwise; for from the nature of the ground it was impossible to come to close fighting; and having no archers, they were slaughtered without resistance—the English remaining in the meantime uninjured, with their trumpets and nakers sounding amid the groans of their dying opponents. Upon this dreadful carnage many of the Scots began to fly; but the better part of the army, led on by the nobility, at last extricated themselves from the marsh, and pressing up the hill, attacked the enemy with great fury. It was difficult, however, for men, breathless by climbing the acclivity, and dispirited by the loss sustained in the marsh, to contend against fresh troops admirably posted, and under excellent discipline; so

[1] Rotuli Scotiæ, vol. i. pp. 234, 244.

[2] I take this from an interesting and curious manuscript preserved in the British Museum, Bib. Harleiana, No. 4690, of which I find a transcript by Macpherson, the editor of Winton, and an accurate investigator into Scottish history, in his MS. Notes on Lord Hailes' Annals. As it has never been printed, I have given it in the Illustrations, letters FF. Winton, vol. ii. p. 169.

[3] MS. Harleian, Illustrations, letter GG Ad Murimuth, p. 80.

that, although they for a little time fiercely sustained the battle, their efforts being unconnected, the day, in spite of all their exertions, went against them.

The Earl of Ross, in leading the reserve to attack the wing where Baliol commanded, was driven back and slain. Soon after, the Regent Douglas was mortally wounded and made prisoner. The Earls of Lennox, Athole, Carrick, and Sutherland, along with James and Simon Fraser, were struck down and killed; while the English, advancing in firm array with their long spears, entirely broke and drove off the field the remains of the Scottish army. In the pursuit which succeeded, the carnage was great. Besides the nobles and barons already mentioned, John Stewart and James Stewart, uncles of the Steward of Scotland, were mortally wounded, Malise, earl of Strathern, John de Graham, Alexander de Lindesay, and other barons, were also slain; and with them fell, on the lowest calculation, fourteen thousand men. Such was the disastrous defeat of the Scots at Halidon Hill.[1] The battle was fought on the 20th day of July, and the English monarch immediately addressed letters to the archbishops and bishops of his dominions, directing them to return thanks to God for so signal a victory.[2]

In the conflicting accounts of the various annalists, the exact number of the two armies, and the extent of the loss on either side, cannot be easily ascertained. It seems probable that nearly the whole of the men-at-arms in the Scottish ranks were put to the sword either in the battle or in the pursuit; and that of the confused multitude which escaped, the greater part were pages, sutlers, and camp followers. So great was the slaughter of the nobility, that, after the battle, it was currently said amongst the English that the Scottish wars were at last ended, since not a man was left of that nation who had either skill or power to assemble an army or direct its operations.[3]

The consequences of the battle of Halidon were the immediate delivery of the town and castle of Berwick into the hands of the English, and the subsequent submission of almost the whole kingdom to Baliol, who traversed it with an army which found no enemy to oppose it.[4] Five strong castles, however, still remained in possession of the adherents of David, and these eventually served as so many rallying points to the friends of liberty. These fortresses were Dumbarton, which was held by Malcolm Fleming; Urquhart, in Invernessshire, commanded by Thomas Lauder; Lochleven, by Alan de Vipont; Kildrummie, by Christian Bruce, the sister of Robert the First; and Lochmaben, by Patrick de Chartres.[5] A stronghold in Lochdon, on the borders of Carrick, was also retained for David Bruce by John Thomson, a brave soldier of fortune, and probably the same person who, after the fatal battle of Dundalk, led home from Ireland the broken remains of the army of King Edward Bruce.[6]

Patrick, earl of March, who had long been suspected of a secret leaning to the English, now made his peace with them, and swore fealty to Edward, and along with him many persons of rank and authority were compelled to pay a temporary homage; but the measures which this monarch

[1] Winton, vol. ii. p. 170. Fordun a Hearne, vol. iv. p. 1021. Fordun a Goodal, vol. ii. p. 311.

[2] Winton, vol. ii. p. 166, says the Scots had an army fully sixty thousand strong. It is observed by Edward, in his letters ordaining a public thanksgiving, that the victory was obtained without great loss upon his side; an expression proving the inaccuracy of the assertion of the English historians, that of their army only thirteen foot soldiers, with one knight and one esquire, were slain. Nor is it unworthy of remark that the king makes no allusion to any inferiority of force upon the English side; which, had such been the case, he could scarcely have failed to do, if we consider the subject of his letter. When the English historians inform us that the Scots were five times more numerous than their opponents, we must consider it as exaggeration.

[3] Murimuth, p. 81.

[4] Fordun a Goodal, vol. ii. p. 311.

[5] Rotuli Scotiæ, 8 Ed. III. vol. i. p. 274.

[6] Fordun a Goodal, vol. ii. p. 311.

adopted on making himself master of Berwick were little calculated to conciliate the minds of those whom he somewhat prematurely considered as a conquered people. He seized and forfeited the estates of all the barons in the county of Berwick who held their property by charter from King Robert; in giving leases of houses within the town, or of lands within the shire, he prohibited his tenants and vassals from subleasing them to any except Englishmen;[1] he directed the warden of the town to transport into England all the Scottish monks whom he suspected of instilling rebellious principles into their countrymen, to be there dispersed amongst the monasteries of their respective orders on the south side of the Trent; and he commanded the chiefs of the different monastic orders in that country to depute to Scotland some of their most talented brethren, who were capable of preaching pacific and salutary doctrines to the people, and of turning their hostility into friendship. Orders were also transmitted to the magistrates of London and other principal towns in the kingdom, directing them to invite merchants and traders to settle in Berwick, under promise of ample privileges and immunities; and, in the anticipation that these measures might still be inadequate to keep down the spirit of resistance, he emptied the prisons throughout his dominions of several thousands of criminals condemned for murder and other heinous offences, and presented them with a free pardon, on the condition of their serving him in his Scottish wars.[2]

Baliol having thus possessed himself of the crown by foreign assistance, seemed determined to complete the humiliation of his country. An assembly of his party was held at Edinburgh on the 10th of February. Lord Geoffrey Scrope, High Justiciar of England, attended as commissioner from Edward, along with Sir Edward Bohun, Lord William Montague, Sir Henry Percy, and Ralph Neville, seneschal of England. As was to be expected, everything was managed by English influence. Lord Henry Beaumont, the Earl of Athole, and Lord Richard Talbot, were rewarded with the extensive possessions of the Comyns in Buchan and Badenoch. The vale of Annandale and Moffatdale, with the fortress of Lochmaben, were bestowed upon Lord Henry Percy; and the Earl of Surrey, Ralph Lord Neville, of Raby, Lord John Mowbray, and Sir Edward Bohun, were remunerated for their labours in the Scottish war by grants of the estates of those who had fallen at Halidon, or who were forfeited for their adherence to David Bruce. To his royal patron more extensive sacrifices were due. Not only was the town, castle, and extensive county of Berwick surrendered to the King of England, but the forests of Jedburgh, Selkirk, and Ettrick, the wealthy counties of Roxburgh, Peebles, Dumfries, and Edinburgh; the constabularies of Linlithgow and Haddington, with the towns and castles situated within these extensive districts, were, by a solemn instrument, annexed for ever to the kingdom of England.[3]

To complete the dismemberment of the kingdom, there was only wanting a surrender of the national liberties. Baliol accordingly appeared before Edward at Newcastle, acknowledged him for his liege lord, and swore fealty for the kingdom of Scotland and the Isles. Edward, thus rendered master of the fairest and most populous part of Scotland, hastened to send English governors to his new dominions;[4] while the friends of the young king once more retired into the mountains and fastnesses, and waited for a favourable opportunity of rising against their oppressors. Nor was it long ere an occasion presented itself. Dissensions broke out amongst those English barons to whose valour Baliol owed his restoration; and a petty family quarrel gave rise to an important counter-revolution.

[1] Rotuli Scotiæ, 8 Ed. III. vol. i. pp. 272, 275.

[2] Ibid. 7 Ed. III. vol. i. p. 254

[3] Rymer, Fœdera, vol. iv. pp. 614, 616. Rotuli Scotiæ, vol. i. pp. 261, 262.

[4] Rotuli Scotiæ, vol. i. p. 263.

The brother of Alexander de Mowbray died, leaving daughters; but no male heirs; upon which Mowbray claimed the estate, in exclusion of the heirs-female, and, by a decision of Baliol, was put in possession:[1] an award the more extraordinary as it went to destroy his own title to the crown. The cause of the disinherited daughters was warmly espoused by Henry de Beaumont, Richard Talbot, and the Earl of Athole, all of them connected by marriage with the powerful family of the Comyns; and, upon the denial of their suit by Baliol, these fierce barons retired in disgust from court. Beaumont, taking the law into his own hands, retreated to his strong castle of Dundarg in Buchan, and seized a large portion of the disputed lands which lay in that earldom. Athole removed to his strongholds in the country of Athole; and Talbot, who had married the daughter of the Red Comyn slain by Bruce,[2] collected his vassals and prepared for war.

Encouraged by this disunion amongst their enemies, the old friends of the dynasty of Bruce began again to reappear from their concealment; and, at this favourable conjuncture, Sir Andrew Moray of Bothwell[3] was released from his captivity, and returned to Scotland. At the same time some Scottish ships of war, assisted by a fleet of their allies laden with provisions and arms, and well manned with soldiers, hovered on the coast, and threatened to intercept the English vessels which had been sent by Edward with supplies for his adherents.[4] Baliol, in the meantime irresolute and alarmed, retreated to Berwick, and reversed his decision in favour of Mowbray. But this step came too late to conciliate Beaumont, and it entirely alienated Mowbray, who, eager to embrace any method of humbling his rivals, went over with his friends and vassals to the party of David Bruce, and cordially co-operated with Moray, the late regent.

And now the kingdom which Edward so lately believed his own, on the first gleam of returning hope, was up in arms, and ready again to become the theatre of mortal debate. Talbot, in an attempt to pass with a body of soldiers into England, was attacked and taken prisoner by Sir William Keith of Galston; six of the knights who accompanied him, and many of his armed vassals, being put to the sword.[5] He was instantly shut up in the strong fortress of Dumbarton; and one of their most powerful opponents being disposed of, Moray and Mowbray hastened to besiege Beaumont in the castle of Dundarg. This, however, was no easy enterprise. Situated on a precipitous rock overhanging the Moray Firth, the strong retreat which the English baron had chosen was connected with the mainland by a neck of land so narrow, that a few resolute men could defend it against a multitude. To attempt to storm it would have been certain defeat; and Moray chose rather, by a strict blockade, to compel a surrender. An unexpected circumstance accelerated his success. Having discovered the situation of the pipes which supplied the garrison with water, he mined the ground, cut them through, and reduced the besieged to extremity. Beaumont capitulated, and, upon payment of a high ransom, was permitted to retire into England.[6]

Amongst the numerous confiscations which followed his brief possession of power, Baliol had conferred the extensive possessions of Robert, the Steward of Scotland, upon the Earl of Athole; while this young baron, stript of his lands, and compelled to be a wanderer, had lain concealed in Bute since the defeat at Halidon Hill, and escaped the search of his enemies. With a prudence and determination superior

[1] Fordun a Goodal, vol. ii. p. 312. Winton, vol. ii. p. 175.

[2] Macpherson's Notes on Winton, vol. ii. pp. 506, 509. Scala Chron. p. 165.

[3] Erroneously called by Maitland, vol. i. p. 520, the Earl of Bothwell.

[4] Rotuli Scot vol. i p. 279. 20th Sept. 1334.

[5] Walsingham, p. 134. Leland, Collect. vol. i. p. 554. Fordun a Goodal, vol. ii. p. 325.

[6] Fordun a Goodal, vol. ii. p. 312. Stat. Acc. of Scotland, vol. xii. p. 578.

to his years, he now organised a plan for escaping to the castle of Dumbarton, in which he happily succeeded. Two old vassals of the family, named Gibson and Heriot, brought a boat to Rothesay late in the evening, and the Steward, accompanied only by a chamber-boy and two servants, threw himself into it, and rowed that night to Overtunnock, from which they crossed to Dumbarton, where they were joyfully welcomed by Malcolm Fleming, the governor.[1] Here he did not long remain inactive; but assembling his scattered vassals, with the assistance of Colin Campbell of Lochow, attacked and stormed the castle of Dunoon in Cowal.

The news of this success soon flew to Bute; and there the hereditary vassals of the young patriot instantly rose upon the English governor, Alan de Lyle, put him to death, and proceeded, carrying his head in savage triumph along with them, to join their master. The castle of Bute soon after fell into the hands of the insurgents.[2]

The country of Annandale, as we have already stated, was presented by Baliol to Henry Percy; but its mountains and fastnesses had given refuge to many brave men who obstinately refused to submit to the English king. On the first intelligence that the Steward had displayed open banner against the English, these fugitives, says an ancient historian, came suddenly, like a swarm of hornets, from the rocks and woods, and warred against the common enemy. The chief amongst them was William de Carruthers, who, since the success of Baliol, had preferred a life of extremity and hardship, as a fugitive in the woods, to the ignominy of acknowledging a yoke he detested. He now left his strongholds, and with a considerable force united himself to the Steward.[3] Thomas Bruce, with the men of Kyle, next joined the confederacy; and soon after Randolph, earl of Moray, who had escaped to France after the defeat at Halidon Hill, returned to his native country, and, with the hereditary valour of his house, began instantly to act against the English. Strengthened by such accessions, the Steward in a short time reduced the lower division of Clydesdale; compelled the English governor of Ayr to acknowledge King David Bruce; and expelled the adherents of Baliol and Edward from the districts of Renfrew, Carrick, and Cunningham.

The Scottish nobles of his party now assembled, and preferred this young patriot and the Earl of Moray to the office of joint regents under their exiled king. The choice was in every respect judicious. The Steward, although now only in his nineteenth year, had early shewn great talents for war; he was the grandson of Robert the First, and had been already declared by parliament the next heir to the crown: Moray, on the other hand, was the son of the great Randolph; so that the names of the new governors were associated with the most heroic period of Scottish history: a circumstance of no trivial importance at a period when the liberties of the country were threatened with an utter overthrow. About the same time, the friends of liberty were cheered by the arrival of a large vessel laden with arms, besides wines and merchandise, in the port of Dumbarton; a circumstance which Edward considered of so much importance, that he directed his writs to the magistrates of Bristol and Liverpool, commanding them to fit out some ships of war to intercept her on her return.[4]

The first enterprise of the regents was against the Earl of Athole, who now lorded it over the hereditary estates of the Steward, and whose im-

[1] Winton, vol. ii. p. 178. Fordun a Goodal, vol. ii. p. 313.

[2] Winton calls the vassals of the young Steward "The Brandanys of Bute;" and in describing the battle in which Lyle was slain, tells us they overwhelmed him with showers of stones, hence

"Amang the Brandanis all
The Batayle Dormang they it call."

"The battle Dormang is evidently," Macpherson remarks, "a corruption of the Batail nan dornaig;" Dorneag being a round stone: a proof that, in Bute, the Gaelic was then the common language. Winton, vol. ii. p. 186. Fordun a Goodal, vol. ii. p. 316.

[3] Fordun a Goodal, vol. ii. p. 316

[4] Rotuli Scotiæ, vol. i. p. 320

mense possessions, both in Scotland and England, rendered him the most formidable of their enemies.[1] Moray, by a rapid march into the north, attacked the earl before he had time to assemble any considerable force, drove him into the wild district of Lochaber, and compelled him to surrender. Thus, by the overthrow of Beaumont, Talbot, and Athole, the most powerful branch in the confederacy of the disinherited barons was entirely destroyed; and Baliol, once more a fugitive, passed into England, and implored the protection and assistance of Edward.

On being informed of the revolution in Scotland, this monarch, although it was now the middle of November, determined upon a winter campaign, and issued writs for the attendance of his military vassals. The expedition, however, proved so unpopular, that fifty-seven of the barons who owed suit and service, absented themselves;[2] and, with an army enfeebled by desertion, Edward made his progress into Lothian, where, without meeting an enemy, if we except some obscure malefactors who were taken and executed, he ruled over a country which the Scots, following the advice of Bruce, abandoned for the time to his undisturbed dominion.[3] Baliol, as usual, accompanied Edward, and with a portion of his army ravaged Avondale, and laid waste the districts of Carrick and Cunningham. The vassal king then passed to Renfrew, and affected a royal state in his Christmas festivities, distributing lands and castles to his retainers, and committing the chief management of his affairs to William Bullock, a warlike ecclesiastic, whom he created chamberlain of Scotland, and governor of the important fortresses of St Andrews and Cupar.[4] Such castles as he possessed were garrisoned with English soldiers; and John de Strivelin, with a large force, commenced the siege of Lochleven, which was then in the hands of the friends of David Bruce. From its insular situation this proved a matter of difficulty. A fort, however, was built in the churchyard of Kinross, on a neck of land nearest to the castle, and from this point frequent boat attacks were made, in all of which the besiegers were repulsed. At last Alan Vipont, the Scottish governor, seizing the opportunity when Strivelin was absent on a religious pilgrimage to the shrine of St Margaret at Dunfermline, attacked and carried the fort, put part of the English garrison to the sword, and raised the siege. He then returned to the castle with his boats laden with arblasts, bows, and other instruments of war,[5] besides other booty, and many prisoners.

Encouraged by this success, and anxious to engage in a systematic plan of military operations, the Scottish regents summoned a parliament to meet at Dairsay. It was attended by Sir Andrew Moray, the Earl of Athole, the Knight of Liddesdale, lately returned from captivity, the Earl of March, who had embraced the party of David Bruce, and renounced his allegiance to Edward, Alexander de Mowbray, and other Scottish barons. But at a moment when unanimity was of infinite importance in the national councils, the ambition and overweening pride of Athole embroiled the deliberations, and kindled animosities amongst the leaders. His motives cannot easily be discovered. It is probable that, as he became convinced that Baliol would never be suffered to reign in Scotland, his own claims to the crown became uppermost in his mind, and that he was induced to renounce the allegiance which he had sworn to Edward, in the hope that, if Baliol were set aside, he might have a chance, amid the confusions of war, to find his way to the throne. He appeared accordingly at the parliament, with a state and train of attendants almost kingly; and, having gained an ascendancy over the young Steward,

1 Douglas' Peerage, vol. i. p. 133.
2 Rotuli Scotiæ, 8 Edward III., vol i. p. 293.
3 Hemingford, vol. ii. p. 277.
4 Winton, vol. i. p. 177.

5 Winton, book viii. chap. xxix. vol. ii. p. 183. I have rejected the story of the attempt to drown the garrison by damming up the lake as physically improbable, and unnoticed by Winton. See Macpherson's Notes on Winton, p. 507.

treated Moray and Douglas with such haughtiness, that the assembly became disturbed by mutual animosities and heartburnings, and at length broke up in confusion.[1] Ambassadors soon after this arrived in England from Philip of France, earnestly recommending a cessation of hostilities between his ancient allies the Scots and the King of England; but Edward, intent upon his scheme of conquest, although he consented to a short truce, continued his warlike preparations, and, despising all mediation, determined again to invade his enemies, and dictate the terms not of peace, but of absolute submission.

About midsummer, the English king, accompanied by Baliol, joined his army at Newcastle, having along with him the Earl of Juliers, with Henry, count of Montbellegarde, and a large band of foreign mercenaries.[2] Meanwhile his fleet, anticipating the movements of the land forces, entered the Firth of Forth; and while Edward, with one part of his army, advanced by Carlisle into Scotland, Baliol, having along with him those English barons upon whom he had bestowed estates, and assisted by a numerous body of Welsh soldiers, remarkable for their ferocious manners, proceeded from Berwick.

But, notwithstanding the great preparations, the campaign was one of little interest. Having penetrated to Glasgow, the two kings united their forces, and advanced to Perth without meeting an enemy. By an order of the regents, the Scots drove their cattle and removed their goods from the plain country to inaccessible fastnesses among the mountains, so that the English only wasted a country already deserted by its inhabitants.[3] They did not, however, entirely escape molestation; for the Scottish barons, although too prudent to oppose them in a pitched field, hovered round their line of march, and more than once caught them at a disadvantage, suddenly assaulting them from some concealed glen or ambush, and cutting off large bodies who had separated themselves from the main army. In this way, a party of five hundred archers were attacked and cut to pieces by Moray the regent, and Sir William Douglas.[4] On another occasion, the Earls of March and Moray fell upon the Earl of Namur, as he was leading his band of foreign knights to join Edward at Perth. The two parties met on the Borough Muir; for the foreign troops, imagining that the country was wholly in possession of the English, had advanced fearlessly towards Edinburgh. The mercenaries, however, clad in complete steel, and strongly mounted, made a desperate defence; nor was it till the appearance of the Knight of Liddesdale, with a reinforcement, that they found themselves compelled to retreat into the town. Confined within the streets and lanes, the conflict now changed into a series of single combats; and it is interesting to remark the warm spirit of chivalry which diffuses itself into the details of our ancient historians, in their descriptions of this event. They dwell with much complacency on a famous stroke made by Sir David de Annand, a Scottish knight, who, enraged by a wound from one of the mercenaries, raised himself in his stirrups, and wielding a ponderous battle-axe with both hands, hewed down his opponent with such force, that the weapon cut sheer through man and horse, and was only arrested by the stone pavement, where the mark of the blow was shewn in the time of the historian.[5] The foreign soldiers were at last driven up the High Street to the castle. This fortress had been dismantled, but Namur and his knights took their stand on the rock, and having killed their horses, piled their bodies into a mound, behind which they, for a while, kept the Scots in check. They were at last compelled to surrender; and Moray and Douglas treated their noble prisoner, who was near kinsman to their

[1] Fordun a Goodal, book xiii. chap. xxiv. vol. ii. p. 317.
[2] Leland, Collect. vol. i. p. 555.
[3] Fordun a Hearne, vol. iv. p. 1025.
[4] Knighton, p. 2567.
[5] Extracta ex Chronicis Scotiæ, folio 197. Fordun, vol. ii. p. 319. Scala Chron. p. 165.

ally the King of France, with much generosity.[1] He and his brother knights and soldiers were set at liberty without ransom, and their captors accompanied them with an escort across the English border. But this act of courtesy cost Moray dear; for, on his return, his little party was attacked by the English, under William de Pressen, warden of Jedburgh Forest, and entirely routed. The regent was taken prisoner and instantly ironed, and shut up in the strong castle of Bamborough; Douglas, however, had the good fortune to escape a second captivity in England, but his brother James Douglas was slain.[2]

From Perth, Edward and Baliol made a destructive progress through the north of Scotland; and soon after the Earl of Cornwall, brother to the King of England, along with Sir Anthony Lucy, ravaged the western district of the kingdom, not even sparing the religious houses, but razing the churches to the ground, and burning along with them the unhappy wretches who had there taken sanctuary. After this he marched to Perth, and joined his forces to those of the king, who had returned from his northern expedition.[3]

At this melancholy crisis, when, to use an expression of an ancient historian, none but children in their games dared to call David Bruce their king,[4] the Earl of Athole shewed his versatile and selfish character. The captivity of Moray the regent had delivered him from a formidable opponent, and his ambition now prompted him to aspire to the vacant office of regent, for the purpose, as was shewn by the result, of gratifying his rapacity and his revenge. He accordingly informed Edward that he and his friends were willing to make their final submission; and he despatched five deputies, who concluded a treaty at Perth, in which the English monarch agreed that "the Earl of Athole, and all other Scottish barons who came under his peace, should receive a free pardon, and have their estates in Scotland secured."[5] By another article, the large English estates of this powerful baron were restored to him; and to give a colour of public zeal to an agreement essentially selfish, it was stipulated that the franchises of the Scottish Church, and the ancient laws of Scotland, should be preserved as they existed in the reign of Alexander the Third.[6] As the price of this pacification, Athole was immediately appointed governor in Scotland under Baliol; Edward having repaired the fortifications of Perth, returned to England, and the new governor, anxious to distinguish himself in the service of his master, began to slay or imprison the friends of Bruce, and to confiscate their estates, with a rapacity which filled the hearts of the people with an eager desire of vengeance.[7]

Nor was it long before this feeling was gratified. The handful of brave men, who still obstinately supported their independence, chose for their leader Sir Andrew Moray of Bothwell, in early life the pupil of Wallace, a soldier of great experience, and of undoubted integrity. This hardy veteran did not long remain inactive, and his first enterprise was eminently successful. It happened that within Kildrummie, a strong castle in the north, his wife, a noble matron, sister of Robert Bruce, had taken refuge during the insolent administration of Athole, who, eager to make himself master of so valuable a captive, instantly attacked it. Moray hastily collected a small army, and burning with a resentment which was kindled by a sense both of public and private wrongs, flew to raise the siege: he was accompanied by the Knight of Liddesdale and the Earl of March. Their troops encountered those of Athole in the Forest of Kilblene, and, after a

[1] Fordun a Hearne, vol. iv. p. 1026.
[2] Winton, vol. ii. p. 194.
[3] Fordun a Goodal, vol. ii. p. 323. Scala Chron. pp. 165, 166.
[4] Winton, vol. ii. p. 184.
[5] Knighton, p. 2566. This indemnity was declared not to extend to those who, *by common assent*, should be hereafter excepted from it.
[6] Tyrrel, vol. iii. p. 387.
[7] Fordun a Hearne, vol. iv. p. 1026.

short resistance, entirely dispersed them: Athole himself, with five knights who attended him, was slain in the wood.[1] He died young in years, but old in political intrigue and ambition, and successively the friend of every party which promised him most personal advantage. Insolent and unsteady, he yet possessed, from his immense estates and noble birth, a great capacity of doing mischief; and not only his last agreement with Edward, but the indiscriminate cruelty with which he was at that moment hunting down the few remaining friends of liberty, rendered his death, at this crisis, little less than a public benefit. It was followed by the election of Sir Andrew Moray to the regency of the kingdom, in a parliament held at Dunfermline.[2]

It might have been evident to Edward long before this that although it was easy for him to overrun Scotland, and destroy the country by the immense military power which he possessed, yet the nation itself was further than ever from being subdued. The people were strong in their love of liberty, and in their detestation of Baliol, whom they now regarded with the bitterest feelings of contempt. It was true, indeed, that many of their highest nobles, swayed by private ambition, did not hesitate to sacrifice their patriotism to the lust of power; yet, amongst the barons and gentry, there was a remnant left animated by better feelings, and kept up the spirit of resistance against the power of England.

This was remarkably shewn in the history of the present period. The death of Athole was followed by the reappearance of Edward in Scotland, at the head of a formidable army, strengthened by the accession of the Anglicised Scottish barons and their numerous vassals. Alarmed at the declaration, now openly made by the French king, of his intention to assist his ancient allies,[3] and prompted by the restless desire, so often formed, and so constantly defeated, of completing the subjugation of the country, the English monarch penetrated first to Perth, and afterwards into the more northern parts of the kingdom. His march was, as usual, marked by the utter destruction of the districts through which it lay. The counties of Aberdeen, Nairn, and Inverness, with their towns and villages, were wasted by fire and sword; but he in vain endeavoured to bring the regent, Sir Andrew Moray, to a battle.[4] Under the command of this leader, the Scots, intimately acquainted with the country, were ever near their enemy, and yet always invisible to them; and an anecdote of a masterly retreat, made during this northern campaign, has been preserved, which is characteristic of the cool discipline of Moray. On one occasion, word being brought to Edward that the regent was encamped in the wood of Stronkaltere,[5] he instantly marched against him. The intelligence was found to be true; the English and Scottish outposts came in sight of each other, in a winding road leading through the wood, and after some skirmishing, the Scots fell back to inform Moray of the near approach of the English army. The general was then at mass, and although the danger was imminent, none dared to interrupt him till the service was concluded. On being told that Edward and his army were at hand in the forest, he observed there was no need of haste; and, when the squires brought him his horse, began quietly to adjust its furniture, and to see that the girths were tight and secure. When this was going on, the English every moment came nearer, and the Scottish knights around Moray shewed many signs of impatience. This, it may be imagined, was not lessened when one of the straps which braced his thigh armour snapt as he buckled it; and the regent, turning to

[1] Winton, book viii. chap. xxxi. vol. ii. p. 201. Fordun a Hearne, vol. iv. p. 1027.
[2] Fordun a Hearne, p. 1028.
[3] Rymer, vol. iv. pp. 704-6.
[4] Fordun a Hearne, p. 1028.
[5] The exact position of this ancient wood cannot now be discovered. I conjecture it was in Perthshire, somewhere between Dunkeld and Blair

an attendant, bade him bring a coffer from his baggage, from which he took a skin of leather, and, sitting down leisurely on the bank, cut off a broad strip, with which he mended the fracture. He then returned the box to its place, mounted his horse, arrayed his men in close column, and commenced his retreat in such order that the English did not think it safe to attack him; and having at last gained a narrow defile, he disappeared from their view without losing a man. "I have heard," says Winton, "from knights who were then present, that in all their life they never found time to go so slow as when their old commander sat cutting his leather skin in the wood of Stronkaltere."[1]

The widow of Athole was, soon after this, shut up by the army of Moray in the castle of Lochendorb: she was the daughter of Henry Beaumont, who, forgetful of the conditions under which he had obtained his freedom at Dunbarg, had accompanied Edward into Scotland, and she now earnestly implored the king and her father to have compassion on her infant and herself, and to raise the siege. It was an age in which the ordinary events of the day assumed a chivalrous and romantic character. A noble matron in sorrow for the slaughter of her husband, beleaguered in a wild mountain fortress, and sending for succour to the King of England and his barons, is an incident similar to what we look for in Amadis or Palmerin. The monarch obeyed the call, and hastened to her rescue. On his approach, the regent again retired into the woods and morasses; and the king, having freed the countess from her threatened captivity, wasted with fire and sword the rich province of Moray. Unable, however, to dislodge the Scottish commander from his strengths, he was at last compelled to leave the country, with the conviction that every forest or mountain-hold which he passed afforded a shelter for his enemies, who would reappear the instant he retreated. He endeavoured, however, more effectually to overawe the spirit of resistance, by having a powerful fleet in the Firth of Forth, and on the eastern and western coasts of the kingdom;[2] and before he retired he repaired and garrisoned anew the most important fortresses in the kingdom. He then left a reinforcement of troops with his army at Perth, intrusted the command to his brother, the Earl of Cornwall, and returned to England.

On his departure, Sir Andrew Moray instantly appeared from his fastnesses. Sir William Douglas, the knight of Liddesdale, Sir William Keith, and other patriot barons, assembled their vassals: and the castles of Dunnottar, Kinclevin, and Laurieston, were wrested from the English, after which, according to Bruce's old practice, they were broken up and dismantled.[3] Soon after, the regent made himself master of the tower of Falkland and the castles of St Andrews, Leuchars, and Bothwell, which he razed and destroyed.[4]

A grievous famine, occasioned by the continued ravages of war, and the cessation of all regular agricultural labour, had for some time desolated Scotland; and the regent, anxious to obtain subsistence for his army in the enemy's country, made various predatory expeditions into England.[5] On his return, he reduced the whole of the Lothians, and laid siege to the castle of Edinburgh. The lords marchers of England hastened with a strong body of troops to relieve it. They were encountered by William Douglas, the knight of Liddesdale, near Crichton castle, and, after much hard fighting, were compelled to retire across the Tweed. But Douglas was grievously wounded, and his little army so crippled with the loss which

[1] Winton, vol. ii. pp. 204, 205.

[2] Fordun a Goodal, vol. ii. pp. 318, 322.

[3] Fordun a Hearne, vol. iv. p. 1030. Leland, Coll. vol. i. p. 556. Winton, vol. ii. p. 214.

[4] Fordun a Hearne, vol. iv. p. 1031. It is stated by this historian that after this, Moray commenced the siege of Stirling; but that the English monarch, advertised of these disasters, again flew to his army in Scotland; while his wary antagonist, as was his custom, retired before a superior force, and awaited the return of Edward to his own dominions. This event, however, belongs, I suspect, to a later year.

[5] Fordun a Goodal, vol. ii. p. 324. Rotuli Scotiæ, 2 Edward III., vol. i. p. 507.

he sustained, that Moray deemed it expedient to abandon the siege.[1]

During the whole of this obstinate war, the French king had never ceased to take a deep interest in the affairs of his allies. Before David had been compelled to take refuge in his kingdom, he had sent him a seasonable present of a thousand pounds.[2] By his earnest remonstrances he had succeeded in procuring many truces in favour of the Scots; and, as the breach between France and England gradually grew wider, the French ships had occasionally assisted the Scottish privateers in infesting the English coast, and had supplied them with stores, arms, and warlike engines.[3] Against these maritime attacks, it was the policy of Edward to arm the vessels of the petty sea-kings, who were lords of the numerous islands with which the western sea is studded; and for this purpose he had entered into an alliance with John of the Isles,[4] one of the most powerful of these island chiefs. But his efforts in the Scottish war began at length to languish; occupied with his schemes of continental ambition, he found himself unable to continue hostilities with his usual energy; and, after four successive campaigns in Scotland, which he had conducted in person, at the head of armies infinitely more numerous than any which could be brought against them, he had the mortification to discover that the final conquest of that country was as remote as ever. He now endeavoured to gain time, by amusing the Scots with the hopes of a general peace; but the barons who led the opposition against England were well informed of the approaching rupture with France, and, aware that the opportunity was favourable for the entire expulsion of the English, they rejected all overtures for a pacification, and pushed on the war with vigour.

The event shewed the wisdom of such conduct; for the English monarch had advanced too far in his quarrel with Philip to withdraw, or even postpone his pretensions, and to the great joy of the Scots, war between the two countries was declared, by Edward making his public claim to the crown of France on the 7th of October 1337.[5]

The Earls of Arundel, Salisbury, and Norfolk, with Edward Baliol, were now left in command of the army in Scotland; and on the failure of the negotiations for peace, Salisbury laid siege to the castle of Dunbar, a place of great importance, as the key to Scotland on the south-east border.[6]

The Earl of March, to whom this fortress belonged, was not then on the spot; but his wife, a daughter of the famous Randolph, earl of Moray, with the heroic spirit of her family, undertook the defence of the castle.[7] For five months, in the absence of her lord, Black Agnes of Dunbar, as she was called by the vulgar from her dark complexion, maintained an intrepid stand against the assault of the English army, and with many fierce witticisms derided them from the walls. When the stones from the engines of the besiegers struck upon the battlements, she directed one of her maidens to wipe off the dust with a white napkin, a species of female defiance which greatly annoyed the English soldiers. Perpetually on the ramparts, or at the gate, she exposed her person in every situation of danger, directing the men at arms and the archers, and extorting even the praise of her enemies by her determined and warlike bearing. It happened that an arrow from one of the Scottish archers struck an English knight, who stood beside the Earl of Salisbury, through his surcoat, and, piercing the habergeon, or chained mail-coat, which

[1] Fordun a Goodal, vol. ii. p. 332. Scala Chron. p. 167. Leland's Coll. vol. i. p. 556.

[2] Chamberlain Accounts, Compot. Camerarii Scotiæ, p. 253. Et de 56 lb. 13 sh. 4d. recept. de Dno Com. Moravie illis mille libris, concess. Dno nostro regi per regem Franciæ ante adventum suam in Franciam. Ibid. p. 261.

[3] Rotuli Scotiæ, vol. i. p. 513.

[4] Rymer, Fœdera, vol. iv. p. 711. Rotuli Scotiæ, 11 Edward III., p. 516.

[5] Rapin's Acta Regia, vol. i. p. 239. Rymer's Fœdera, vol. iv. p. 818.

[6] Fordun a Goodal, vol. ii. p 225.

[7] Wynton, vol. ii. p. 208.

was below it, made its way through three plicatures of the acton which he wore next his body, and killed him on the spot. "There," cried Salisbury, "comes one of my lady's tire-pins: Agnes's love-shafts go straight to the heart." At length the English, foiled in every assault, and finding that the strength of the walls defied the efforts of their battering engines, judged it necessary to convert the siege into a blockade. This had nearly succeeded. A fleet, amongst which were two large Genoese ships, entirely obstructed all communication by sea; and the garrison began to suffer dreadfully from want of provisions, when Alexander Ramsay of Dalhousie sailed at midnight with a light vessel, from the Bass. Favoured by the darkness, he passed unobserved through the line of the enemy's fleet, and ran his ship, laden with provisions, and with forty stout soldiers on board, close under the wall of the castle. This last success deprived Arundel and Salisbury of their only hope of making themselves masters of this important fortress; and, mortified by repeated failure, they withdrew the army, and retired with the disgrace of having been foiled for five months, and at last entirely defeated, by a woman.[1]

Edward now began to experience the distress which the expense of a double war, and the necessity of maintaining an army both in France and Scotland, necessarily entailed upon him. Animated by the fiercest resentment, the Scots, under the guidance of such able soldiers as the regent, the Knight of Liddesdale, and Ramsay of Dalhousie, were now strong enough to keep the open country, which they cleared of their enemies, compelling the English to confine themselves within the walls of their castles. Edinburgh, Perth, Stirling, Cupar, and Roxburgh were still in their hands, and the king commanded large supplies of provisions to be levied upon his English subjects, and transported into Scotland; but this occasioned grievous discontent, and in some cases the commissaries were attacked and plundered.[2] Nor even when the supplies were procured was it an easy matter to carry them to their destination; for the enemy watched their opportunity, and became expert in cutting off convoys, and assaulting foraging parties; so that the war, without any action of great consequence, was occupied by perpetual skirmishes, concluding with various success, but chiefly on the side of the Scots. Sir William Douglas, the knight of Liddesdale, whose bravery procured him the title of the Flower of Chivalry, expelled the English from Teviotdale; overpowered and took prisoner Sir John Stirling, at the head of five hundred men-at-arms; intercepted a convoy near Melrose as it proceeded to the castle of Hermitage, which he soon after reduced; attacked and defeated Sir Roland de Vaux; and routed Sir Laurence Abernethy, after a conflict repeatedly renewed, and obstinately contested.[3]

Meanwhile, in the spirit of the age, these desperate encounters were sometimes abandoned for the more pacific entertainments of jousts between the English and Scottish knights, the result of which sometimes proved little less fatal than in the conflicts of actual war; whilst to a modern reader they throw a strong light on the manners of the times. Henry de Lancaster, earl of Derby, with great courtesy, sent a herald to request the Knight of Liddesdale to run with him three courses; but in the first Douglas was wounded by a splinter of his own lance in the hand, and compelled to give up the contest. The English earl then entreated Sir Alexander Ramsay of Dalhousie to hold a solemn jousting for three days at Berwick, twenty against twenty; a proposition which was instantly accepted, but it turned out a sanguinary pastime. Two English knights were slain; and Sir William Ramsay was struck through the bars of his aventaile by a spear, which penetrated so deep that

[1] Fordun a Hearne, vol. iv. p. 1032. Fordun a Goodal, vol. ii. p. 325. MS. Extracta ex Chronicis Scotiæ, folio, p. 201.

[2] Rotuli Scotiæ, 12 Ed. III., Oct. 12th, vol. i. p. 546. See also pp. 438, 451.

[3] Fordun a Goodal, vol. ii. p. 329.

it was deemed certain he would expire the moment it was extracted. He was confessed, therefore, in his armour; and as the knights crowded round, "So help me, Heaven," said Derby, who stood hard by, "I would desire to see no fairer sight than this brave baron thus shrived with his helmet on; happy man should I be could I insure myself such an ending." Upon this, Sir Alexander Ramsay placed his foot upon his kinsman's helmet, and by main force pulled out the broken truncheon, when the wounded knight started on his feet, and declared he should soon ail nothing. He died, however, immediately in the lists.[1] "What stout hearts these men have!" was Derby's observation; and with this laconic remark the jousting concluded. On another occasion, Sir Patrick de Graham, a Scottish knight, having arrived from France, Lord Richard Talbot begged to have a joust with him, and was borne out of his saddle and wounded, though not dangerously, through his habergeon. Graham was then invited to supper; and in the midst of the feast an English knight, turning to him, courteously asked him to run with him three courses. "Sir knight," replied Graham, "if you would joust with me, I advise you to rise early and confess, after which you will soon be delivered." This was said in mirth, but it proved true; for in the first course, which took place next morning, Graham struck the English knight through the harness with a mortal wound, so that he died on the spot.[2]

Such were the fierce pastimes of those days of danger and blood. On resuming the war, the tide of success still continued with the Scots, and Sir Alexander Ramsay rivalled the fame of the Knight of Liddesdale. At the head of a strong band of soldiers, he infested the rocky and wooded banks of the Esk; and concealing himself, his followers, and his booty, in the caves of Hawthornden, sallied from their recesses, and carried his depredations to the English borders, cruelly ravaging the land, and leading away from the smoking hamlets and villages many bands of captives. In these expeditions his fame became so great that there was not a noble youth in the land who considered his military education complete unless he had served in the school of this brave captain.[3] On one occasion he was pursued and intercepted by the lords marchers in a plain near Werk Castle; but Ramsay attacked and routed the enemy, took Lord Robert Manners prisoner, and put many to the sword.[4]

About this time Scotland lost one of its ablest supporters. Sir Andrew Moray, the regent, sinking under the weight of age, and worn out by the constant fatigues of war, retired to his castle at Avoch, in Ross, where he soon after died; upon which the High Steward was chosen sole governor of Scotland. Moray, in early life, had been chosen by Wallace as his partner in command; and his subsequent military career was not unworthy of that great leader. His character, as it is given by Winton, possesses the high merit of having been taken from the lips of those who had served under him, and knew him best. He was, says he, a lord of great bounty; of sober and chaste life; wise and upright in council; liberal and generous; devout and charitable; stout, hardy, and of great courage.[5] He was endowed with that cool and somewhat stern and inflexible character of mind which peculiarly fitted him to control the fierce temper of the feudal nobility at a period when the task was especially difficult; and it may be added that, when the bravest. despairing for their country, had, by the sacrifice of its independence, saved their estates, Moray scorned to follow such examples; and, imitating his old master in arms, Wallace, appears never to have sworn fealty to any king of England. He was buried in the little chapel of Rosemartin; but his body was afterwards raised and carried to Dunfermline,

[1] Fordun a Goodal, vol. i. p. 329. Winton, vol. ii. pp. 220, 223.
[2] Winton, vol. ii. p. 224
[3] Fordun a Goodal, vol. ii. p. 333.
[4] Ibid. Scala Chron. p. 168.
[5] Winton, vol. ii. p. 217.

where it now mingles with the heroic dust of Bruce and Randolph.[1]

The first act of the Steward was to despatch the Knight of Liddesdale upon a mission to the court of France to communicate with King Philip, and to procure assistance. He then assembled his army and commenced the siege of Perth, upon the fortifications of which the English, considering it a station of the first importance, had expended vast sums of money. Meanwhile Baliol, universally hated by his countrymen, became an object of suspicion to the English; and leaving Perth, in obedience to the orders of Edward, retired a pensioned dependant into England. Ughtred, a baron who had long served in the Scottish war, undertook its defence, and for ten weeks the town resisted every effort of the besiegers, so that the army of the Steward began to meditate a retreat, when there suddenly appeared in the Tay five French ships of war.

This squadron was commanded by Hugh Hautpile, a skilful naval officer, and had on board a strong party of men-at-arms, under the leading of Arnold Audineham, afterwards a mareschal of France;[2] the Lord of Garencieres, who had formerly been engaged in the Scottish wars; and two esquires, Giles de la Huse, and John de Bracy. Along with them came the Knight of Liddesdale; and immediately, all idea of relinquishing the siege being abandoned, hostilities recommenced by the French ships seizing the English victualling vessels, and effectually cutting off every supply from the garrison.

At this time William Bullock, Baliol's chancellor, who commanded in the castle of Cupar, which had baffled the attack of the late regent, betrayed his master, and joined the army before Perth. This military ecclesiastic was one of those extraordinary individuals whom the troubled times of civil disorder so frequently call out from the quiet path to which more ordinary life would have confined them. His talents for state affairs and for political intrigue were great; yet we are told by the historians of the time that his ability in these matters was exceeded by his uncommon genius for war; and we cannot wonder that these qualities made him to be dreaded and courted by all parties. In addition to this, he was ambitious, selfish, and fond of money: passions which could not be gratified if he continued attached to a falling cause. Accordingly, the arrival of the French auxiliaries, the desertion of Scotland by Baliol, with the bribe of an ample grant of lands,[3] induced him to renounce the English alliance, and deliver up the castle where he commanded. He then joined the army besieging Perth, and his military experience was soon shewn by the success of the operations which he directed. Although the Knight of Liddesdale was grievously wounded by a javelin, thrown from one of the springalds, and the two captains of the Scottish archers slain, yet Bullock insisted in continuing and pressing the siege;[4] and the Earl of Ross, with a body of miners, having contrived to make a subterranean excavation under the walls, drew off the water from the fosse surrounding the town, and rendered an assault more practicable. The minuteness of one of our ancient chronicles has preserved a striking circumstance which occurred during the siege. In the midst of the military operations the sun became suddenly eclipsed, and as the darkness gradually spread over all, the soldiers of both armies forgot their duties, and, sinking under the influence of superstitious terror, gazed fearfully on the sky.[5] Bullock, however, unintimidated

[1] Fordun a Hearne, vol. iv. p. 1032.

[2] Froissart par Buchon, vol. i. p. 211. Compot. Camerarii Scotiæ, pp. 255, 277. Fordun a Goodal, vol. ii. p. 330.

[3] It must have been ample, for Bullock renounced a considerable property conferred on him by Edward. See Rotuli Scotiæ, 28th July, 13 Edw. III. vol. i. p. 571.

[4] Fordun a Goodal, vol. ii. p. 330. Winton, vol. ii. p. 234.

[5] Winton, vol. ii. p. 234. I find, by the result of a computation, politely and kindly communicated to me by its distinguished author, Professor Henderson, that the eclipse took place on the 7th July, commencing at twelve minutes after noon, the greatest observation being at twenty-eight minutes after one, when eleven one-third digits of the sun's disc were eclipsed, leaving only two-thirds of

by what was then considered an omen of wrath, gave orders for the tents to be struck and pitched nearer the town, previous to his attempt to storm; but the English governor had now lost resolution; and, seeing his provisions exhausted, his hope of supplies cut off, and his fosse dry and ready to be filled by the fagots of the besiegers, capitulated upon honourable terms. The soldiers of the garrison and the governor Ughtred were instantly shipped for England, where his conduct became the subject of parliamentary inquiry.[1] Thus master of Perth, the Steward, according to the wise policy of Bruce, cast down the fortifications,[2] and proceeded to the siege of Stirling.

It is difficult to imagine a more lamentable picture than that presented by the utter desolation of Scotland at this period. The famine, which had been felt for some years, now raged in the land. Many had quitted their country in despair, and taken refuge in Flanders; others, of the poorer sort, were driven into the woods, and, in the extremities of hunger, feeding upon the raw nuts and acorns which they gathered, were seized with diseases which carried them off in great agony.[3] The continued miseries of war reduced the district round Perth to the state of a desert, where there was neither house for man nor harbour for cattle; and the wild deer coming down from the mountains, resumed possession of the desolate region, and ranged in herds within a short distance of the town. It is even said that some unhappy wretches were driven to such extremities of want and misery, as to prey upon human flesh; and that a horrid being, vulgarly called *Cristicleik*, from the iron hook with which he seized his victims, took up his abode in the mountains, and, assisted by a ferocious female, with whom he lived, lay in ambush for the travellers who passed near his den, and methodically exercised the trade of a cannibal.[4] The story is perhaps too dreadful for belief; yet Winton, who relates it, is in no respect given to the marvellous; and a similar circumstance is recorded as late as the reign of James the Second.

In the midst of this complicated national distress, the Steward continued to prosecute the siege of Stirling with much vigour and ability; and Rokesbury, the governor, after a long and gallant defence, was at last compelled by famine to give up the castle, which, being found too strong in its mason work and bastions to be easily dismantled, was intrusted to the keeping of Maurice of Moray.[5] In this siege, the Scots had to lament the loss of Sir William Keith, a brave and experienced soldier, who had done good service in these wars. As he mounted the ladder in complete armour, he was struck down by a stone thrown from the ramparts, and, falling heavily and awkwardly, was thrust through by his own spear.[6] It is related by Froissart that cannon were employed at the siege of Stirling; but the fact is not corroborated by contemporary historians.

Scotland had of late years suffered severely from famine, and had owed its support more to provisions surreptitiously imported from England, than to the fruits of native industry.[7] But the exertions of the High Steward, and his fellow soldiers Douglas and Ramsay, had now expelled the English from nearly the whole country; the castles of Edinburgh, Jedburgh, Lochmaben, and Roxburgh, with some

a digit uneclipsed. The eclipse ended at forty-two minutes after two.

[1] Fœdera, vol. v. p. 131.

[2] Winton, vol. ii. p 236.

[3] Fordun a Goodal, vol. ii. p. 324 Winton, vol. ii. p. 236.

[4] Winton, vol. ii. p. 236. Fordun a Goodal, vol. ii. p. 331.

[5] Lord Hailes seems to have antedated the siege of Stirling, when he places it in the year 1339. We find, from the Rotuli Scotiæ, vol. i. p. 600, 14 Edw. III. m. 15, that Stirling was in possession of the English as late as 1340; and that in June 1341 the Scots were employed in the second siege of Stirling. What was the exact date of the first siege is uncertain, but it seems to have been interrupted by an armistice. Fordun a Hearne, p. 1031, asserts that Sir William Keith was slain at the siege of Stirling in 1337; but the date is an error.

[6] Winton, vol. ii. p. 237.

[7] Rotuli Scotiæ, vol. i. p. 541.

inferior strengths in their vicinity, were all that remained in the hands of Edward; and the regent seized a short interval of peace to make a progress through the country, for the re-establishment of order and the distribution of justice.[1] The good effects of this were soon observable in the gradual revival of regular industry: to use the strong language of Bower, the kingdom began to breathe anew; husbandmen once more were seen at the plough, and priests at the altar; but the time which was allowed proved too short to give permanency to these changes. War suddenly recommenced with great fury; and the castle of Edinburgh, commanded by Limosin, an English knight, fell into the hands of the enemy. The Scots owed the possession of this fortress to a stratagem of Bullock, the late governor of Cupar, executed with address and boldness by the Knight of Liddesdale.

The castle was strongly fortified both by art and nature; and, as its garrison scoured and commanded the country round, they gave great annoyance to the Scots. Douglas, who lurked in the neighbourhood with two hundred soldiers, procured Walter Curry, a merchantman of Dundee,[2] to run his ship into the Forth, under pretence of its being an English victualling vessel, and to make an offer to supply the garrison with wine and corn. The device succeeded; and the porter, without suspicion, opened the outer gate and lowered the drawbridge to the waggons and hampers of the pretended merchant and his drivers, who, throwing off the gray frocks which covered their armour, stabbed the warder in an instant, and sounded a horn, which called up Douglas and his men from their ambush at the foot of the hill. All this could not be so rapidly executed but that the cry of treason alarmed the governor; and the soldiers arming in haste, and crowding to the gates, began a desperate conflict. The waggons, however, had been so dexterously placed, that it became impossible to let down the portcullis; and Douglas rushing in with his men, soon decided the affair. Of the garrison, only the governor, Limosin, and six esquires, escaped;[3] the rest were put to the sword, and the command of the castle was intrusted to a natural brother of the Knight of Liddesdale.

There are two particulars regarding this spirited enterprise which are worthy of remark. Curry was a Scotsman, yet it seems he found no difficulty in introducing himself as an English merchant, from which there arises a strong presumption that the languages spoken in both countries were nearly the same; and both he and his followers, before they engaged in the enterprise, took the precaution of shaving their beards, a proof that the Norman fashion of wearing no beard had not been adopted in Scotland in the fourteenth century.[4] Soon after this success, the regent and the Estates of Scotland, considering the kingdom to be almost cleared of their enemies, sent an embassy to France, requesting that their youthful sovereign would return to his dominions. David accordingly, who had now for nine years been an exile in a foreign land, embarked with his queen; and, although the English ships had already greatly annoyed the Scots, and still infested the seas, he had the good fortune to escape all interruption, and to land in safety at Innerbervie on the 4th of June, where he was received with the utmost joy by all classes of his subjects.[5]

The young king was now in his eighteenth year, and began to betray a character violent in its passions and resentments, and of considerable personal intrepidity; but his education at the French court had smitten him

[1] Fordun a Goodal, vol. ii. pp. 331, 332.

[2] Curry seems to have been assisted by another person, named William Fairley. Chamberlain Accounts. Compotum Camerarii Scotiæ, p. 278. They received a grant of 100 lbs. reward from a parliament held at Scone. Ibid.

[3] Froissart, vol. i. p. 359. *Edition de Buchon.*

[4] Winton, vol. ii. pp. 240, 243. Fordun a Goodal, vol. ii. p. 332.

[5] Fordun a Goodal, vol. ii. p. 334. Winton, vol. ii. p. 250.

with an immoderate love of pleasure: he possessed few of the great qualities necessary for the government of a kingdom so perilously circumstanced as Scotland; and he appears to have been totally unacquainted with the dispositions of the fierce and independent nobility over whom he ruled. This was the more to be regretted, as the circumstances in which he found the country upon his arrival were such as, to manage successfully, required a union of great prudence and firmness. In the minority which had taken place since the death of Bruce, and in the absence of the name and power of a king, a race of fierce and independent barons had grown up, who ruled at will over their own vast estates, and despised the authority of the laws. Between the king and the Steward of Scotland, who now laid down his office of regent, there does not appear to have been any cordial feelings; and it is probable that David never forgot the conspiracy of Athole in 1334, by which this fickle and ambitious baron, and the Steward, then a young man, acknowledged Baliol, and made their peace with Edward. Athole indeed was slain, and the subsequent conduct of the Steward had been consistent and patriotic; but the king could not fail to regard him with that jealousy which a monarch, without children, is apt to feel towards the person whom the parliament had declared his successor, and who had already, on one occasion, shewn so little regard for his allegiance.

As for the other powerful barons, the Knight of Liddesdale, his kinsman Lord William Douglas, the Earl of Moray, Sir Alexander Ramsay of Dalhousie, and Bullock, who soon after became chamberlain, they were indeed unanimous in their opposition to England; but a long possession of military power made them impatient of the control of a superior, and it was almost impossible for a sovereign to confer his favours upon them without exciting jealousy and dissension. All this, in a short time, became apparent; and a thoughtless measure, which the monarch adopted soon after his arrival, evinced his ignorance and want of judgment in a fatal manner. Sir Alexander Ramsay of Dalhousie had distinguished himself in the Scottish wars, and was universally beloved in the country for his brave and patriotic qualities. Scarcely had the young king arrived in his dominions when word was brought him that Roxburgh castle, a fortress of great strength and importance, had been taken in a night escalade by this baron, upon whom, in the first ardour of his gratitude, David conferred the government of the place, and along with it the sheriffship of Teviotdale.[1] This was a generous but thoughtless act, and certainly unjust, for the Knight of Liddesdale then held the office of sheriff; and a fierce and deadly enmity arose in the breast of Douglas against Ramsay, his old companion in arms. His way of revenging himself affords a melancholy proof of the lawless independence of these feudal nobles, as well as of the treachery of his disposition. He first pretended to be reconciled to Ramsay; and, having silenced suspicion by treating him with his usual friendship, led a band of soldiers to Hawick, where he knew that the new sheriff held his court in the open church. It is said that Ramsay was warned of his intention, but, trusting to the reconciliation which had taken place, discredited the story. On Douglas entering the church, Ramsay invited him to take his place beside him, on which that fierce baron drew his sword, seized his victim, who was wounded in attempting a vain resistance, and throwing him bleeding across a horse, carried him off to his castle of Hermitage, where he thrust him into a dungeon. It happened that there was a granary above his prison, and some particles of corn fell through the chinks and crevices of the floor, upon which he supported a miserable existence for seventeen days, and at last died of hunger.[2]

1 Winton, vol. ii. p. 252.

2 Winton, vol. ii. p. 254. More than four hundred years after this, a countryman, in excavating round the foundation of Hermit

It is a melancholy reflection that a fate so horrid befell one of the bravest and most popular leaders of the Scottish nation; and that the deed did not only pass unrevenged, but that its perpetrator received a speedy pardon, and was rewarded by the office which had led to the murder. Douglas became governor of Roxburgh castle, sheriff of Teviotdale, and protector of the middle marches, and owed his pardon and preferment to the intercession of the High Steward of Scotland. In attempting to form an estimate of the manners of the age, it ought not to be forgotten that this savage murder was perpetrated by a person who, for his knightly qualities, was styled the "Flower of Chivalry." It was an invariable effect of the principle of vassalage in the feudal system that the slaughter of any of the greater barons rendered it an imperative duty in every one who followed his banner to revenge his death upon all who were in the most remote degree connected with it; so that we are not to wonder that the assassination of Ramsay was followed by interminable feuds, dissensions, and conspiracies, not only amongst the higher nobility, but amongst the lesser barons. It was probably one of these plots, of which it is impossible now to detect the ramifications, that accelerated the fate of Bullock, the able and intriguing ecclesiastic renegade, who had deserted Baliol to join the king. Having become suspected by his master, he was suddenly stript of his honours, deprived of the high offices in which he had amassed immense wealth, and cast amongst the meanest criminals, into a dungeon of the castle of Lochendorb, in Moray, where he was starved to death. The probable truth seems to be, that Bullock, a man of high talents, but the slave of ambition and the love of intrigue, had been tampering with the English, and that his fate, though cruel, was not unmerited.[1]

The period immediately following the arrival of David in his dominions till we reach the battle of Durham[2] is undistinguished by any events of importance. The Scots, with various success, invaded and ravaged the Border counties of England; but a revolt of the Island chief, John of Argyle, and other northern barons,[3] recalled the king's attention to the unsettled state of his affairs at home, and made him willing to accede to a two-years' truce with England. This interval was employed by Edward in an attempt to seduce the Knight of Liddesdale from his allegiance, and there seems reason to think that a conspiracy, at the head of which was this brave but fickle soldier, and which had for its object the restoration of Baliol to the crown, was organising throughout Scotland, and that Bullock, whose fate we have just recounted, was connected with the plot.[4] It is certain, at least, that Douglas had repeated private meetings with Baliol and the English commissioners; that he had agreed to embrace the friendship of the King of England, and to receive a reward for his services.[5] These treacherous designs, however, came to nothing. It may be that the stipulated reward was not duly paid; or, perhaps the fate of Bullock was a timely warning to Douglas; and, anxious to wipe away all suspicion of treachery, the Knight of Liddesdale, regardless of the truce, broke across the Borders at the head of a numerous army, burnt Carlisle and Penrith, and after a skirmish, in which the Bishop of Carlisle was unhorsed, retreated precipitately into Scotland.

age castle, laid open a stone vault, in which, amid a heap of chaff and dust, lay several human bones, along with a large and powerful bridle-bit, and an ancient sword. These were conjectured, and with great probability, to have belonged to the unfortunate victim of Douglas

1 Fordun a Goodal, vol. ii. p. 336.

2 From 1342 to 1346.

3 Knighton, p. 2581.

4 This may be inferred, I think, from the circumstance that Bullock was seized by David de Berklay; and Berklay himself was, not long after, waylaid and assassinated by John de Saint Michael, *at the instigation* of the Knight of Liddesdale. Fordun a Hearne, pp. 1035 and 1040. See also Hume's Douglas and Angus, vol. i. pp. 142, 143.

5 Rotuli Scotiæ, vol. i. pp. 637, 640. April 10, 1343. Fœdera, vol. v. p. 379.

After this recommencement of hostilities, the mortal antipathy between the two countries broke out with greater violence than before; and the young king, believing Edward to be entirely occupied with his war on the continent, and anxious to produce a diversion in favour of his ally, Philip of France, gave orders for assembling an army, and resolved to invade England in person.[1] The muster took place at Perth, and was greater than any known for a long period; troops were drawn from the islands of Scotland, as well as the mainland; but the Highland chiefs brought their deadly feuds along with them, and these soon broke out into bloodshed. The Earl of Ross assassinated Ranald of the Isles in the monastery of Elcho, and dreading the royal vengeance, led his men back to their mountains—a circumstance which, in those days of superstition, was considered by the rest of the army a bad omen of success. In one respect it was worse than ominous; for not only Ross's men left the army, but the soldiers of the Isles, deprived of their leader, dispersed in confusion; whilst many of the inferior Highland lords, anxious for the preservation of their lands, privately deserted, and returned home; so that the king found his forces greatly reduced in number.

Inheriting, however, the bravery of his father, but, as the event shewed, little of his admirable judgment and military skill, David pressed forward from Perth; and, after rapidly traversing the intervening country, on reaching the Border, sat down before the castle of Liddel, then commanded by Walter Selby. Selby was that fierce freebooting chief whose services we have seen successfully employed by King Robert Bruce to waylay and plunder the Roman cardinals in their ill-fated attempt to carry the bulls of excommunication into Scotland. Since that time, he had lent himself to every party which could purchase his sword at the highest rate, and had lately espoused the quarrel of Edward Baliol, from whom he received a grant of lands in Roxburghshire.[2] David brought his military engines to bear upon the walls, which, after six days' resistance, were demolished.[3] Hethen stormed the castle, put the garrison to the sword, and ordered Selby to instant execution.

After this success, the veteran experience of the Knight of Liddesdale advised a retreat. Douglas was, no doubt, aware of the strength of the northern English barons, and the overwhelming force which soon would be mustered against them; but his salutary counsel was rejected by the youthful ardour of the king, and the jealousy of the Scottish nobles. "You have filled," said they, "your own coffers with English gold, and secured your own lands by our valour; and now you would restrain us from our share in the plunder, although the country is bare of fighting men, and none but cowardly clerks and mean mechanics stand between us and a march to London."[4]

This, however, was a fatal mistake; for although Edward, with the army which had been victors at Cressy, lay now before Calais, yet Ralph Neville of Raby, Lord Henry Percy, Edward Baliol, the ex-king of Scotland, the Earl of Angus, and the Border lords, Musgrave, Scrope, and Hastings, with many other barons, instantly summoned their strength to repel the invasion; and a body of ten thousand men, who were ready to embark for Calais, received counter orders, and soon joined the muster. Besides this, the Archbishops of Canterbury and York, and the Prelates of Durham, Carlisle, and Lincoln, assumed their temporal arms, and with such of their church troops and vassals as had not accompanied the king, assembled to defend the country, so that an army of thirty thousand men, including a large body of men-at-arms, and twenty thousand English archers,[5] were speedily on their march against the Scots.

[1] Walsingham, pp. 165, 516.

[2] Rotuli Scotiæ, vol. i. p. 820.

[3] Robert of Avesbury, a Hearne, p. 145.

[4] Fordun a Goodal, vol. ii. p. 340.

[5] Winton, vol. ii. pp. 260, 261. Fordun a Goodal, vol. ii. p. 341.

David, meanwhile, advanced to Hexham, and for fourteen days plundered and laid waste the country, leaving his route to be traced through the bishopric of Durham by the flames of villages and hamlets. It seems to have excited unwonted resentment and horror that he did not spare even the sacred territory of St Cuthbert, although, if we may believe a monkish historian. the venerable saint visited the slumbers of the king, and implored him to desist from the profanation. Satiated at length with plunder, the Scottish army encamped at a place called Beaurepair, now Bear Park, within a short distance of Durham. By this time, the English army had taken up their ground in the park of Bishop Auckland, not six miles distant from Beaurepair. The Scots' position was ill chosen. It was a plain or common, much intersected with ditches and hedges, which separated the divisions, and hindered them from supporting each other; and the country round was of that undulated kind, that, unless the scouts were active, an enemy might approach within a few miles without being discovered. This was, in truth, the very event which happened; and it gave melancholy proof that there were no longer such leaders as Bruce, or the Good Sir James, in the Scottish army.

At daybreak, the Knight of Liddesdale pushed on before the rest of the Scots. He led a strong squadron of heavy-armed cavalry, and, advancing for the purpose of forage through the grounds near Sunderland, suddenly found himself in presence of the whole English army. The proximity of the enemy rendered a retreat as hazardous as a conflict; yet Douglas attempted to retire; but his squadron was overtaken, and driven back, with the loss of five hundred men, upon the main body of the Scots. David instantly drew up his army in three divisions. He himself led the centre; the right wing was intrusted to the Earl of Moray, while the Knight of Liddesdale, and the Steward, with the Earl of Dunbar, commanded the left. These dispositions were made in great haste and alarm, and scarcely completed, when the English archers had advanced almost within bowshot.[1] Sir John de Graham, an experienced soldier, at this moment rode up to the king, and earnestly besought him to command the cavalry to charge the archers in flank. It was the same manœuvre which had been successful at Bannockburn, but from ignorance, or youthful obstinacy, David was deaf to his advice. "Give me," cried Graham, in an agony of impatience, as the fatal phalanx of the archers advanced nearer and nearer; "give me but a hundred horse, and I engage to disperse them all."[2] Yet even this was unaccountably denied him, and the brave baron, seconded by none but his own followers, threw himself upon the bowmen; but it was too late; time had been given them to fix their arrows, and the deadly shower was sped. Graham's horse was shot under him, and he himself with difficulty escaped back to the army.

It was now nine in the morning, (17th Oct. 1346,) and the whole English force had come up. A large crucifix was carried in the front of the line, around it waved innumerable banners and pennons, gorgeously embroidered, belonging chiefly to the Church, and the close battle immediately began, under circumstances discouraging to the Scots. The discharge of the archers had already greatly galled and distressed them, the division commanded by the Earl of Moray was fiercely attacked by the English men-at-arms, the ditches and hedges which intersected the ground broke his array and impeded his movements, and the English cavalry charged through the gaps in the line, making a dreadful havoc. At last Moray fell, and his division was entirely routed The English then attacked the main centre of the Scots, where David commanded in person: and as it also was drawn up in the same broken and enclosed ground, the various leaders and their vassals were separated, and

[1] Winton, vol. ii. pp. 261, 262.
[2] Ibid., book viii. chap. xl. vol. ii. p. 262. Fordun a Goodal, vol. ii. p. 342.

fought at a serious disadvantage.[1] Their flank, too, was exposed to the discharge of a body of ten thousand English bowmen; and, as the distance diminished, the arrows, flying with a truer aim and more fatal strength, told fearfully against the Scots. Yet the battle raged for three hours with great slaughter;[2] and the young king, although he had evinced little military judgment in the disposition of his army, fought with obstinate and hereditary valour. He was defended by a circle of his nobility, who fell fast around him. The Constable David de la Haye, Keith the Marshal, Chartres the High Chancellor, and Peebles the Lord Chamberlain, with the Earls of Moray and Strathern, and thirty barons belonging to the principal families in Scotland, were slain. The king himself, although grievously wounded by two arrows, one of which pierced deep, and could not be extracted without great agony, long continued to resist and encourage the few that were left around him. An English knight, named Copland, at last broke in upon him, and after a hard struggle, in which two of his teeth were knocked out by the king's dagger,[3] succeeded in overpowering and disarming him.

On the capture of the king, the High Steward and the Earl of March, whose division had not suffered so severely, judging probably that any attempt to restore the day would be hopeless, drew off their troops, and escaped from the field;[4] for the English were fortunately too much occupied in plunder and making prisoners, to engage in a pursuit which might have been so fatal. Amongst the prisoners, besides the king, were the Knight of Liddesdale, the Earls of Fife, Menteith, Sutherland, and Wigton, and fifty other barons and knights. It is not too high a computation if we estimate the loss of the Scots in this fatal battle at fifteen thousand men.[5] That of the English was exceedingly small, if we consider how long the conflict lasted. Froissart has asserted that the English Queen, Philippa, was in the field, and harangued the troops, mounted on a white charger. The story is contradicted by all the contemporary historians, both English and Scottish.

A defeat so calamitous had not been sustained by Scotland since the days of Edward the First. Their best officers were slain or taken, and their king a captive. David, with the rest of the prisoners, was, after a short time, conveyed to London, and led in great state to the Tower, amid a guard of twenty thousand men-at-arms. The captive prince was mounted on a tall black courser, so that he could be seen by the whole people; and the mayor and aldermen, with the various crafts of the city, preceded by their officers, and clothed in their appropriate dresses, attended on the occasion, and increased the effect of the pageant.[6] On being lodged in the tower, however, all expense and splendour were at an end; and Edward, with an ungenerous economy, compelled his royal prisoner to sustain the expense of his establishment,[7] and imposed the same heavy tax upon his brother captives.[8]

Thus was David, after his tedious exile in France, and having enjoyed his kingly power but for six years, compelled to suffer the bitter penalty of his rashness, and condemned to a long captivity in England. The conduct of the Steward, in preferring the dictates of prudence, perhaps of ambition, to the feelings which would have led him to have sacrificed his life in an attempt to rescue the king, cannot be easily exculpated. He and the Earl of March, with the third division of the army under their command, made good their retreat; and their escape was ultimately fortunate for the country. But it excited a feeling of lasting

[1] Winton, vol. ii. p. 263.
[2] Ibid.
[3] Ibid. p. 264. Fordun a Goodal, vol. ii. p. 342.
[4] Fordun a Hearne, p. 1038. See observations on Lord Hailes' account of the battle of Durham, Illustrations, GG. Chronicle of Lanercost, pp. 348. 351.
[5] Knighton, p. 2591. Leland, p. 561, from the Scala Chronicle.
[6] Knighton, p. 2592.
[7] Rotuli Scotiæ, 21 Ed. III. vol. i. pp. 690, 696.
[8] Rotuli Scotiæ, vol. i. pp. 705, 706.

personal resentment in the bosom of the king; it was probably the cause of that determined opposition which he ever afterwards manifested to the Steward; and it is this unforgiving hostility, embittered by the conviction that he owed his eleven years' captivity to the desertion at Durham, which can alone explain those extraordinary intrigues for substituting an English prince upon the throne, in which David, at a subsequent period, basely permitted himself to be involved. Meanwhile, the consequences of the battle of Durham were brilliant to England, but not lasting or important.

Roxburgh castle, the key of the kingdom on the Borders, surrendered to Henry Percy and Ralph Neville, and the English overran the districts of Tweeddale, the Merse, Ettrick, Annandale, and Galloway.[1] Availing themselves of the panic and confusion which ensued upon the captivity of the king, they pushed forward into Lothian, and boasted that the marches of the kingdom were from Coldbrandspath to Soutra, and from thence to Carlops and Crosscryne.[2]

Baliol, who had acted a principal part in these invasions, now believed that the entire subjugation of Scotland, so long delayed, was at length to be accomplished, and the sceptre to be for ever wrested from the line of Bruce. He took up his residence at the castle of Caerlaverock, on the shores of the Solway;[3] and having collected a strong force of the savage freebooters of Galloway, was joined by Percy and Neville, with a large body of men-at-arms and mounted archers. At the head of this army he overran the Lothians, scoured the country as far as Glasgow, wasted Cunningham and Niddesdale, and rendered himself universally odious by the ferocity which marked his progress.

At this time, Lionel, duke of Ulster, the son of Edward the Third, became engaged in a mysterious transaction relative to the affairs in Scotland, upon which, unfortunately, no contemporary documents throw any satisfactory light. By an agreement entered into between this English prince and the Lords Henry Percy and Ralph Neville, these barons undertook to assist Baliol with a certain force of men-at-arms. Only the name of the treaty remains;[4] but if a conjecture may be hazarded on so dark a subject, it seems probable that the ambition of Lionel began already to aspire to the crown of Scotland. Baliol was childless; and the English prince may have proffered him his assistance under some implied condition that he should adopt him as his successor. We know for certain, that on Baliol being for ever expelled from Scotland, Lionel engaged in the same political intrigue with David the Second. But, although the precise nature of this transaction is not easily discoverable, it soon became apparent that the English king had no serious design of assisting Baliol in his recovery of the crown. At this conjuncture, the nobles who had escaped from Durham conferred the guardianship of the kingdom upon the High Steward;[5] and whatever imputations his conduct at Durham might have cast upon his personal ambition, it is certain that, as the enemy of the ambitious designs of England, and the strenuous asserter of the liberty of his country, the grandson of Bruce did not shew himself unworthy of his high descent. During a season of unequalled panic and confusion, he maintained the authority of the laws; the command of the castles and the government of the counties were intrusted to men of tried fidelity; and to procure a breathing time, negotiations were set on foot for a truce.

[1] Winton, vol. ii. p. 265. Scala Chron. quoted in Leland's Collection, vol. i. p. 562.
[2] Fordun a Goodal, vol. ii. p. 346.
[3] Knighton, p. 2592.
[4] Ayloffe's Ancient Charters, p. 299. "Indentura tractatus inter Leonellum filium Edwardi tertii primogenitum, Comitem de Ulster, ex una parte, et Monsieur Henry Percy et Ranf. Neville, ex altera parte, per quam ipsi Henricus et Radulphus conveniunt se servituros in Scotia pro auxilio prestando Edwardo de Baliol Regi Scotiæ, cum 360 soldariis." 12 Ed. III.
[5] Fordun a Hearne, p. 1039.

CHAPTER VI.

DAVID THE SECOND.

1346—1370.

UPON the part of England, the policy of Edward the Third towards Scotland was different from that of his predecessor. There was now no talk of conferring the crown upon Baliol. The persuasion in England seems to have been that the battle of Durham, and the acquisition of the Border provinces, had decided its fate as a conquered country. A conference upon the subject was appointed to be held at Westminster, to which were summoned the prelates and barons of the northern provinces; an English justiciary was appointed for the new kingdom; and the Barons Lucy, Dacre, and Umfraville were directed to accept the fealty of a people whom, with premature triumph, they believed ready to submit to the yoke of England.[1]

Whilst such was the course of events in Scotland, the English king endeavoured to strike a panic into the few barons who remained to defend their country, by the trial of the Earls of Menteith and Fife, made prisoners at the battle of Durham. Both were found guilty of treason, on the ground of their having risen in arms against their liege lord, Edward the Third. Menteith was executed, and his quarters, in the savage spirit of the times, parcelled over the kingdom.[2] The Earl of Fife, after condemnation, had his life spared, from his relationship to Edward the First. These trials were followed by the seizure of all ecclesiastical lands belonging to Churchmen who were unfavourably disposed to England, by the resumption into the hands of the crown of all the estates in that country which had been given to English subjects, and by the imposition of additional duties on the commodities exported from Berwick. Edward's object in all this was, in the impoverished state of his exchequer, to collect funds for payment of the army which it was intended to lead against Scotland. But, fortunately for that country, a new war proved, at this conjuncture, highly unpopular amongst the English barons.[3] Their sovereign, notwithstanding all his efforts, was distressed for money, and engrossed with his ambitious schemes in France. It was at this time, when all looked so dark and hopeless, that William, lord Douglas, nephew of the Good Sir James, who had been bred to arms in the wars of France, returned to Scotland. In him the Steward soon found an able assistant. Possessing the military talents which seem to have been then hereditary in the family, he soon expelled the English from Douglasdale, took possession of Ettrick Forest, and, raising the men of Teviotdale, cleared that district from the invaders.[4]

Edward's desire of recruiting his coffers, by the high ransom which he knew must be paid for the Scottish king, and the many noble prisoners taken at Durham, induced him to postpone his projected invasion of Scotland,[5] and to enter into negotiations, which concluded in a truce.[6] This cessation of hostilities continued, by means of successive prolongations, for six years. But the liberty of the king was a matter of more difficult arrangement. After many conferences, which were protracted from year to year, the conditions demanded by Edward were

[1] Rotuli Scotiæ, 10th Dec. 20 Ed. III. vol. i. p. 679. Ibid. vol. i. p. 684, 21 Ed. III., 14th Feb. 1346. Ibid. vol. i. p. 687.

[2] Rotuli Scotiæ, vol. i. p. 689, 6th March 1346-7; Ayloffe, p. 203.

[3] Rotuli Scotiæ, vol. i. p. 687.

[4] Winton, vol. ii. pp. 269, 270.

[5] Rymer's Fœdera, vol. v. pp. 646, 647.

[6] Rotuli Scotiæ, 15th April, 21 Edward III., p. 694.

refused; and David revisited his dominions only upon his parole, having left seven youths, of the noblest families in the country, as hostages for his return.[1]

During his captivity, a dreadful visitant had appeared in his dominions, in the shape of a pestilence, more rapidly destructive than any hitherto known in modern times. This scourge had already, for many years, been carrying its ravages through Europe, and it now at last reached Scotland.[2] It is a remarkable fact that when the great European pestilence of the seventh century was at its height, the Picts and Scots of Britain were the only nations who did not suffer from its ravages. But the exemption was now at an end; and, owing to whatever causes, the calamity fell with as deadly force on Scotland as on any other part of Europe.[3]

Not long after David's return, a commissioner arrived from Edward, who appears to have been intrusted with a secret and important communication to the King of Scotland and Lord William Douglas.[4] Although, from the brief and unsatisfactory document which notices this transaction, much mystery hangs over it, yet enough is discoverable to throw a deep shade upon the character of the Scottish king. Worn out by the prospect of a long captivity, rendered doubly bitter by his recent taste of the sweets of liberty, he had agreed to sacrifice the independence of his kingdom to his desire of freedom; and there yet remain in the chapter-house at Westminster two instruments, in which David recognises the King of England as his Lord Paramount, and consents to take the oaths of homage.[5]

When the country was thus betrayed by its king, we can scarcely wonder that the fidelity of some of the nobles began to waver. Many of the inferior barons and prisoners who were taken at the battle of Durham by this time had paid their ransom and returned to Scotland, where they joined the Steward and his friends in their opposition to Edward. But the prisoners of highest rank and importance were kept in durance, and amongst these the Knight of Liddesdale. This leader, deservedly illustrious by his military talents and success, but cruel, selfish, and ambitious, was a second time seduced from his allegiance, and agreed to purchase his liberty, at the expense of becoming a retainer of Edward. He consented to allow the English to pass unmolested through his lands, and neither openly nor secretly to give assistance to his own country, or to any other nation, against the King of England; from whom, in return for this desertion, he received a grant of the territory of Liddesdale, besides other lands in the interior of Annandale.[6] There seems to be strong presumptive ground to conclude, that the secret intercourse, lately carried on with England, related to these base transactions, and that David had expected to procure the consent of his people to his humiliating acknowledgment of fealty to Edward. But the nation would not listen to the proposal for a moment. They longed, indeed, for the presence of their king, and were willing to make every sacrifice for the payment of his ransom; but they declared, with one voice, that no consideration whatever should induce them to renounce their independence, and David was reluctantly compelled to return to his captivity in England.[7]

The Scottish king and the Knight of Liddesdale had expected to find in Lord William Douglas a willing assistant in their secret intrigues and negotiations; but they were disappointed. Douglas proved the steady enemy of England, and aware of the base game which had been played by Liddesdale, he defeated it by breaking into Galloway at the head of a powerful force, and compelling the wavering barons

[1] Rymer, vol. v. pp. 724, 727.
[2] Fordun a Goodal, vol. ii. p. 347.
[3] Macpherson's Notes on Winton, vol. ii. p. 512. Fordun a Hearne, p. 1039.
[4] Rymer's Fœdera, vol. v. pp. 737, 738.
[5] Ayloffe's Calendars of Charters, p. 299.
[6] Rymer's Fœdera, vol. v. p. 739. Rotuli Scotiæ, 18th July, 26 Ed. III., vol. i. p. 753.
[7] Knighton, p. 2603.

of that wild and unsettled district to renounce the English alliance, and to swear fealty to the Scottish king.[1] At the same time, Roger Kirkpatrick wrested from the English the important castles of Caerlaverock and Dalswinton, and preserved in its allegiance the territory of Niddesdale; whilst the regent of the kingdom, assisted by his son, afterwards king, collected an army, and making his head-quarters in Annandale, where disaffection had chiefly spread, contrived to keep that district in tranquillity. The intrigues of the Knight of Liddesdale were thus entirely defeated. He had hoped to make Annandale the central point from which he was to commence his attack, and to reduce the country under his new master Edward; but on his return from captivity, he found his treachery discovered, and his schemes entirely defeated.

Since the death of the Good Sir James, the Douglases had looked to the Knight of Liddesdale as their head, and the chief power of that family had centred in this baron. But the murder of Ramsay, his loose and fierce habits, and the stain thrown upon him by consenting to become the vassal of England, all contributed to render him odious to his countrymen, and to raise, in bright opposition to his, the character of William, earl of Douglas, his near kinsman. This seems to have excited a deadly enmity between them, and other circumstances contributed to increase the feeling. The Earl of Douglas had expelled the English from Liddesdale and Annandale, and was in possession of the large feudal estates of the family. On the other hand, the Knight of Liddesdale, during his treasonable intercourse with England, obtained a grant of Hermitage castle and the whole of Liddesdale from Edward; nor was he of a temper to consent tamely to their occupation. These causes, increased, it is said, by a jealousy on the part of the earl, who suspected his countess of a partiality for his rival, led to an atrocious murder. As Liddesdale was hunting in Ettrick Forest, he was beset and cruelly slain by his kinsman, at a spot called Galford.[2] The body was carried to Lindin Kirk, a chapel in the Forest not far from Selkirk, where it lay for some time. It was then transported to Melrose, and buried in that ancient abbey.[3] The deed was a dark and atrocious one, and conveys a melancholy picture of the fierce and lawless state of Scotland. But Liddesdale met with little sympathy: to gratify his own private revenge, he had been guilty of repeated murders; and his late treaty with Edward had cancelled all his former services to his country.

Since the commencement of his captivity, David had now made three unsuccessful attempts to negotiate for his liberty;[4] but many circumstances stood between him and freedom. The English king continued to confer on Baliol, who lived under his protection, the style of King of Scotland, and refused to David his royal titles;[5] and although it was evident that Edward's real intentions were to subdue Scotland for himself, while this nominal monarch was merely employed as a tool to be thrown aside at pleasure, yet so long as his avowed purpose was the restoration of Baliol, there was a consistency in keeping his rival in durance. On the other hand, whatever disposition there might be on the part of the Scots to shut their eyes to the failings of the son of Bruce, his character had sunk in their estimation, and he had deservedly become an object of suspicion and distrust. The brilliant and commanding talents of Edward the Third had acquired a strong influence over his mind; he had become attached to the country and manners of his enemies, and, in the absence of his queen, had formed

[1] Fordur a Goodal, vol. ii. p. 356.

[2] Fordun a Hearne, p. 1041.

[3] Hume's Douglas and Angus, vol. i. p. 143. Hume has quoted a single stanza of an old ballad, made on this mournful occasion.

"The Countess of Douglas out of her bower [she came,
And loudly there did she call,
It is for the Lord of Liddesdale
That I let the tears down fall."

[4] In 1348, 1350, and 1353.

[5] Rymer, vol. v. pp. 788, 791.

an unworthy connexion with a lady of the name of Mortimer. The return, therefore, of David was an event rather to be deprecated than desired by the country. The Steward, with the barons of his party, dreaded not only the loss of his own personal consequence, and the establishment on the throne of a sovereign whom he knew to be his enemy; but, what was still more intolerable, they saw in it the establishment of the superiority of England, and the vassalage of their own land. It is to this cause, assuredly, that we are to attribute the coldness and reluctance with which the negotiations proceeded. They were, however, at length concluded at Newcastle, in the month of July 1354, by a treaty, in which David's ransom was fixed at ninety thousand marks,—an enormous sum for that period; and it was stipulated that this money was to be paid in nine years, at the rate of ten thousand marks annually.[1]

The commissioners who conducted the negotiations for this treaty were the Bishops of St Andrews and Brechin, along with Patrick Dunbar, earl of March, one of the few Scottish earls who had escaped captivity at the battle of Durham; but, previous to its ratification, Eugene de Garencieres, who had already served in the Scottish wars, arrived upon a mission from the court of France, at the head of a body of sixty knights, and bringing with him a seasonable subsidy of French gold, in the shape of forty thousand *moutons d'or*, which were distributed by him amongst the Scottish nobles.[2]

The coming of this ambassador produced a great change. The treaty of ransom had been especially unpopular with the patriotic party in Scotland, as the sum stipulated was far too heavy a drain upon the country. It had not yet received the consent of the regent, or the final ratification of the states of the realm; and Garencieres found little difficulty in persuading them to give up all thoughts of peace, and to seize the earliest opportunity of recommencing hostilities. For the present, therefore, the King of Scotland, who had seen himself on the point of regaining his liberty, was remanded to the Tower; and an invasion of England resolved on as soon as the truce expired.[3] Yet the English themselves were the first aggressors in a Border inroad, in which they laid waste the extensive possessions of the Earl of March.[4]

To revenge the insult, this nobleman, along with the Earl of Douglas, and a large body of men-at-arms, who were reinforced by the French knights and soldiers under the command of Garencieres, marched towards the Borders, and occupied a strong pass near Nesbit Moor; where the hilly country, and the tortuous nature of the road, allowed them to form an ambuscade. They then despatched Sir William Ramsay of Dalhousie having four hundred men under his banner, to cross the Tweed, and plunder the village of Norham and the adjacent country. It was the constant policy of Edward to keep a strong garrison in Norham castle. Its vicinity to the Borders made it one of the keys to England on the East Marches; it was exposed to perpetual attacks, and, in consequence, became the general rendezvous of the bravest and most stirring spirits in the English service. Ramsay executed his task of destruction with unsparing fidelity; and, in his retreat, took care to drive his booty past under the walls of the castle. The insult, as was expected, brought out the whole English garrison upon them, led by the constable, Sir Thomas Grey and Sir James Dacre. After a short resistance, Ramsay fled to where the Scottish army lay concealed; and the English pursuing, suddenly found themselves, on turning round the shoulder of a mountain, in presence of the well-known banners of Douglas. Retreat was now impossible and resistance almost equally fruitless, for Douglas greatly outnumbered the English; but it was the age of

[1] Rymer's Fœdera, vol. v. p. 791

[2] Winton. vol. ii. p. 271. Macpherson's Notes, p. 512. Leland's Coll. vol. i. p. 564.

[3] Rotuli Scotiæ, vol. i. p. 779.

[4] Fordun a Hearne, p. 1043.

chivalry, and the Constable of Norham was a true disciple of the order.[1] Forming his little band around him, he called for his son, and made him a knight on the field; he then commanded his men-at-arms to dismount, and fight on foot with the archers; after which he and his brother knights attacked the Scots with the greatest courage, and performed what, in the language of those times, were denominated "many fair passes of arms." In the end, however, he was compelled to surrender to Douglas, along with his son Dacre and the whole garrison. After the fight there occurred a fierce trait of feudal vengeance. One of the French knights purchased from the Scots some of their prisoners, and, leading them to a remote spot on the mountain, murdered them in cold blood, declaring that he did this to revenge the death of his father, who had been slain by the English in their wars in France.[2]

The city of Berwick, at this time in the hands of Edward, and which had long been the emporium of the commerce of both kingdoms, became the next object of attack. It was too well fortified, however, to hold out the least chance of success to an open assault; but the Earls of Angus and March having collected a strong naval force, and favoured by a dark November night, ran their ships up the river as far as the tide permitted, where, disembarking, they proceeded silently to the foot of the walls, and, in the first dawn of the morning, stormed the town by escalade, slew the captain, Sir Alexander Ogle, with some English knights, and drove before them multitudes of the defenceless citizens, who, on the first alarm, had fled from their beds and escaped, half naked and in crowds, over the ramparts.[3]

The city, of which the Scots were thus masters, communicated with the castle of Berwick through a strong fortalice, called the Douglas Tower; and, by a desperate sally from this outwork, Copland, the governor of Northumberland, attempted to wrest their conquest from the Scots; but he was repulsed, and with such gallantry, that the tower itself was carried and garrisoned. Flushed with their success, and enriched with an immense booty, the Scots next attacked the castle; its strength, however, resisted all their efforts; and the Steward arriving to inspect his conquest, found that it would be impossible to keep the town if, as was to be anticipated, the garrison should be supported by an English army. In such circumstances, to have dismantled the fortifications, and abandoned the city, would have been the most politic course; but, unwilling at once to renounce so high a prize, he left in Berwick what troops he could spare, and retired. Little time, indeed, was given for the execution of any plan; for Edward, hearing of the successes of the Scots, hastened from Calais, stayed only three days in his capital, and, attended by those veteran and experienced officers who had so well served him in his French wars, laid siege to Berwick at the head of a great army.[4] At the same time, the English fleet entered the river, and the town was strictly invested on all sides. Edward and his guards immediately took possession of the castle; and while Sir Walter Manny, a name which the siege of Calais has made famous, began a mine below the walls, the king determined to storm the town over the drawbridge which was thrown from the castle to the Douglas Tower. Against these formidable preparations the small force left by the Steward could not possibly contend; and the garrison having capitulated, with safety of life and limb, abandoned the town to the enemy, and returned to Scotland.[5]

That fated country now lay open to an army of eighty thousand men, com-

[1] Winton, vol. ii. p. 276.

[2] Fordun a Goodal, vol. ii. p. 350. Fordun a Hearne, pp. 1043, 1044.

[3] Fordun a Hearne, pp. 1044, 1045. Scala Chron. in Leland's Coll. p. 565.

[4] Rymer's Fœdera, vol. v. p. 828. Robert of Avesbury, p. 210. Fordun a Hearne, p. 1046.

[5] Dr Lingard, vol. iv. p. 97, says, "Berwick was recovered by the sole terror of his approach." This expression seems to me unsupported either by the English or Scottish historians. See Robert of Avesbury, p. 228.

manded by the victor of Cressy. The English fleet was ordered, without delay, to sail round the coast, and await him in the Forth; and the king, breathing threats and vengeance against his enemies, and irritated that his career in France was perpetually checked by his dangers at home, invaded Scotland, with a determination to subdue or utterly destroy the country.[1] At first everything seemed to favour his project. Fatal and virulent dissensions again broke out amongst the Scottish nobles, excited, no doubt, by the terror of confiscation and imprisonment, to which an unsuccessful resistance to England necessarily subjected them; and in addition to this, an extraordinary event, which seemed ominous of success, occurred upon the arrival of Edward and his army at Roxburgh. It had undoubtedly been long in preparation; and one branch of those secret negotiations which led to it is probably to be seen in the mysterious treaty, already noticed, between Prince Lionel and Henry Percy, for the assistance of Edward Baliol. That weak and unfortunate person now presented himself before Edward; and, with all the feudal ceremonies becoming so grave a transaction, for ever resigned his kingdom of Scotland into the hands of the English king, divesting himself of his regalia, and laying his crown at the feet of the monarch.[2] His declared motives for this pusillanimous conduct are enumerated in the various deeds and instruments which passed upon the occasion; but the real causes of the transaction are not difficult to be discovered. It needed little penetration to discern that the retention of the royal name and title by Baliol stood in the way of the pacification of Scotland and the negotiations for the ransom of the king, and gave to the regent and the barons of his party a power of working upon the popular feelings of the nation; while the total resignation of the kingdom into the hands of Edward afforded this prince some appearance of justice in his present war; and, in case of a failure, a fairer prospect of concluding a peace. Baliol himself was a mere dependant of Edward's: for the last sixteen years he had been supported by the money, and had lived under the protection, of England;[3] he was now an old man; and he could not entertain the slightest hope of subduing the country, which he still affected to consider as his own. In return for this surrender of his crown, Edward now agreed to settle upon him an annuity of two thousand pounds; and, when commanded to strip himself of his unsubstantial honours, he at once obeyed his master, and sunk into the rank of a private baron. During one part of his life, when he fought at Dupplin, and took part with the disinherited barons, he had shewn a considerable talent for war; but this last base act proved that he was unworthy of the throne, from which he had almost expelled the descendants of Bruce. He died, not many years after this event, in obscurity, and fortunately for Scotland, without children.

Meanwhile Edward, who had thus procured the donation of the kingdom from Baliol, and extorted the acknowledgment of homage from David, persuading himself that he had a just quarrel, hastened his warlike preparations, and determined to invade the country with a force against which all resistance would be unavailing. The present leaders of the Scots had not forgotten the lessons taught them by the rashness of David; and they wisely resolved to meet this invasion in the manner pointed out by the wisdom of Wallace, and the dying directions of Bruce.

Orders were accordingly issued for the inhabitants to drive away their flocks and herds, and to convey all their valuable property beyond the Firth of Forth, into the castles, caverns, and strongholds frequently used for such purposes; to destroy and burn the hay and forage which was not readily transportable; and to retreat

1 Fordun a Goodal, p. 354.

2 The English historian Knighton asserts that Baliol delivered all right which he possessed in the crown of Scotland to Lionel, the king's son. Knighton, p. 2611. Rymer, vol. v. pp. 832, 843, inclusive.

3 Rotuli Scotiæ, vol. i. pp. 544, 546.

themselves, fully armed and equipped, and ready for immediate action, into the various well-known fastnesses, wooded valleys, and mountain-passes, from which they could watch the operations of the invading army.[1] It was indispensable, however, to procure time to carry these measures into execution; and, for this purpose, the Earl of Douglas sought the army of Edward, which he found on its march from Roxburgh, and making a splendid appearance. It was led by the king in person. Before him, pre-eminently amid other banners and pennons, was borne the royal standard of Scotland.[2] The king's sons, John and Lionel, Dukes of Richmond and Ulster, accompanied their father; and on the arrival of Douglas, when the army halted and encamped, it covered an extent of twenty leagues.[3] Douglas fortunately succeeded in procuring a ten-days' truce; during which time he pretended to communicate with the Steward and the nobles; and amused Edward with hopes that his title to the throne would be universally recognised. The messages, however, which passed between Douglas and his friends related to designs the very opposite of submission; and when the truce was almost expired, the Scottish earl, who had completely gained his object, withdrew, and joined his countrymen.

Enraged at being the dupe of so able a negotiator, Edward, in extreme fury, advanced through Berwickshire into Lothian; and, with a cruel and short-sighted policy, gave orders for the total devastation of the country.[4] Every town, village, or hamlet, which lay within the reach of his soldiers, was given to the flames; and the march of this prince, who has commonly been reputed the model of a generous and chivalrous conqueror, was to be traced by the thick clouds of smoke which hung over his army, and the black desert which he left behind him. In this indiscriminate vengeance, even the churches and religious houses were sacrilegiously plundered and cast down. A noble abbey church at Haddington, whose choir, lighted by the long-shaped lantern windows, of graceful proportion, went by the name of the Lamp of Lothians, was entirely destroyed; and the adjoining monastery of the Minorites, with the town itself, razed to the ground.[5]

The severity which Edward had exercised upon his march began now to recoil upon himself; no forage was to be had for the horses, and the moment a foraging party attempted to leave the main army it was cut off by the Scots, who rushed from their concealment in the mountains and woods, and gave no quarter. It was now the month of January, and the winter storms increased the distress of the troops. Bread began to fail; for fifteen days the soldiers had drunk nothing but water;[6] and, instead of being able to supply their wants by plunder, the English found nothing but empty stalls and deserted houses; not a hoof was to be seen, so well had the orders of Douglas been obeyed. It may be imagined how dreadfully these privations were felt by an army which included three thousand men-at-arms, splendidly accoutred, both man and horse, besides ten thousand light-armed horse.[7] The king, who saw famine nearer every hour, now looked impatiently for his fleet. It was known that it had sailed from Berwick, but no further intelligence had arrived; and, after an anxious halt of ten days at Haddington, Edward pushed on to Edinburgh with the hope of meeting his victualling

[1] Robert de Avesbury, p. 236.
[2] Ibid.
[3] Ibid. Leland's Coll. vol. i. p. 566.
[4] "Velut ursa raptis fœtibus in saltu sœviens."—Fordun a Hearne, p. 1047.
[5] Fordun a Hearne, p. 1048. Fordun a Goodal, vol. ii. p. 354.
[6] Knighton, p. 2611.
[7] According to Robert of Avesbury, pp. 235, 236, the numbers of Edward's army were as follows:—

3,000	homines armati, or men-at-arms, that is, fully armed in steel, both man and horse;
10,000	light-armed horse;
10,000	mounted archers;
10,000	on foot;
33,000.	

The Scottish historians make the numbers eighty thousand.

ships at Leith. Instead, however, of the long-expected supplies, certain news arrived that the whole of the English fleet, in its attempt to make the Firth, had been dispersed and destroyed;[1] so that it was judged absolutely necessary to retreat as speedily as possible, in order to save the army from absolute destruction. This order for retreat became, as was to be expected, the signal for discipline to cease and disorder to begin. Every wood or mountain pass swarmed with Scottish soldiers, who harassed the rear with perpetual attacks; and, in passing through the Forest of Melrose, the king himself was nearly taken or slain in an ambuscade which had been laid for him.[2] He at length, however, reached Carlisle in safety, dismissed his barons, and returned to his capital; from which he issued a pompous proclamation, declaring it to be his will to preserve untouched and inviolate the ancient laws of Scotland: a singular declaration with regard to a country in which he could scarcely call a single foot of ground his own.[3] So cruel in its execution, and so inglorious in its result, was an expedition in which Edward, at the head of an army far greater than that which fought at Cressy, had, for the fifth time, invaded Scotland, declaring it to be his determined resolution to reduce it for ever under his dominion. The expedition of Edward, from the season in which it took place, and the wasting of the country by fire, was long afterwards remembered by the name of the "Burnt Candlemas."

So long as Scotland remained unconquered, it was evident that the English monarch must be content to have his ambitious efforts against France perpetually crippled and impeded. He felt, accordingly, the paramount importance of concluding the war in that country; and seems to have imagined that, by an overwhelming invasion, he could at once effect this object, and be enabled to concentrate his whole force against Philip. But the result convinced him that the Scots were further than ever from being subdued; and that policy and intrigue were at the present conjuncture more likely to be successful. He willingly, therefore, consented to a truce, and resumed the negotiations for the ransom of the king, and the conclusion of a lasting peace between the two countries.[4]

The Earl of Douglas, to whose exertions the success of the last campaign was mainly to be ascribed, seems to have been one of those restless and ardent spirits who languish unless in actual service; and, accordingly, instead of employing the breathing time which was afforded him in healing the wounds and recruiting the exhausted strength of his country, he concluded a Border truce with the English warden,[5] and, accompanied by a numerous body of knights and squires, passed over to France, and fought in the memorable battle of Poictiers. Douglas was received with high honour, and knighted on the field by the King of France. Amid the carnage of that dreadful day he had the good fortune to escape death or captivity; and, cooled in his passion for foreign distinction, returned to Scotland,[6] where he resumed, along with the Stewards and the rest of the nobility, his more useful labours for his country.

Hitherto the negotiations for the ransom and delivery of David had been entirely abortive: they were now renewed, and proved successful. After some preliminary conferences at London, between the council of the King of England and the Scottish commissioners, the final settlement of the treaty was appointed to take place at Berwick-upon-Tweed.[7] In the meantime

[1] Fordun a Hearne, p. 1048. Robert of Avesbury, p. 237.

[2] Knighton, p. 2611. Fordun a Hearne, p. 1048.

[3] Rotuli Scotiæ, p. 790.

[4] Rotuli Scotiæ, p. 791.

[5] Rymer, vol. v. p. 809.

[6] Fordun a Hearne, p. 1052.

[7] Rymer, vol. v. p. 831. These conferences for the ransom and liberation of David extend through a period of ten years. They began in January 1347-8, and were resumed almost every year without success till the final treaty in 1357. There are only three treaties noticed by our historians; but the reader, by referring to the following pages of the Rotuli Scotiæ, vol. i., will find all the attempts at negotiation

a parliament was held by the Steward, as Governor of Scotland, at Edinburgh on the 26th of September. Its constitution and proceedings, as shewn in authentic instruments preserved in the Fœdera, are important. It appears that, before the meeting of the three estates, the prelates of Scotland assembled their chapters, and appointed delegates to represent them in parliament, with full powers to deliberate upon the ransom of the king, and to bind them as fully as if they themselves had attended.[1] Afterwards, however, it was judged more expedient that the prelates should attend in person; and accordingly we find that, on the 26th of September, all the bishops of Scotland assembled at Edinburgh, and there met in parliament the lords and barons of the realm, and the representatives of the royal burghs. Each of the estates then proceeded to elect certain commissioners of their own body to appear at Berwick and deliberate with the delegates of the King of England upon the ransom and liberation of their sovereign. For this purpose the clergy chose the Bishops of St Andrews, Caithness, and Brechin.[2] To these ecclesiastical delegates were added the Earls of March, Angus, and Sutherland, Sir Thomas de Moravia, Sir William Livingston, and Sir Robert Erskine, appointed by the regent and the barons; and, lastly, the seventeen royal burghs chose eleven delegates of their own number, and intrusted them with the most ample powers.[3] Such elections having taken place, the commissioners of both countries repaired to Berwick-upon-Tweed on the day appointed with great state. Upon the part of England there came the Primate of England, with the Bishops of Durham and Carlisle, and the Lords Percy, Neville, Scrope, and Musgrave. The Scottish delegates brought with them a numerous suite of attendants. The train of the Bishop of St Andrews alone consisted of thirty knights, with their squires; that of the other bishops and barons was scarcely less splendid;[4] and the arrival of the captive monarch himself, escorted by the whole military army of Northumberland, gave additional solemnity to the scene of negotiation.[5]

The result of these conferences at Berwick was the restoration of David to his kingdom, after a captivity of eleven years. The ransom finally agreed on was a hundred thousand pounds, equivalent to the sum of twelve hundred thousand pounds of modern money, to be paid by annual instalments of four thousand pounds; and, in security of this, twenty Scottish youths, heirs of the first families in the country, were delivered as hostages into the hands of the English monarch.[6] It was stipulated besides that, from the principal nobles of the kingdom, these should resort by turns to England, there to remain until the whole ransom was discharged; and, in the event of failure at any of the terms, the King of Scotland became bound to return to his captivity. It was also declared that, until payment of the ransom, there should be a ten-years' truce between the kingdoms, during which free commercial intercourse by land and by sea was to take place between both countries; no hostile attempt of any nature was to be made against the possessions of either, and no subject of the one to be received into the allegiance of the other: a condition which Edward, when it suited his own interests, made no scruple of infringing.[7] The stipula-

minutely described in the original instruments, pp. 709, 721, 722, 727, 740, 741, 745, 759, 766, 768, 773, 791, and 809, 811.

[1] Rymer's Fœdera, vol. vi. pp. 39, 40.

[2] Ibid. vol. vi. pp. 42, 43.

[3] Ibid. vol. vi. pp. 44, 45.

[4] Rymer's Fœdera, vol. vi. pp. 32, 33.

[5] Rotuli Scotiæ, vol. i. p. 810.

[6] Rymer, vol. vi. pp. 47, 48. The sum of the ransom originally agreed on was 100,000 marks. Rotuli Scotiæ, vol. i. p. 812; but this was altered by subsequent treaties. Macpherson's Notes to Winton, vol. ii. p. 512.

[7] Rotuli Scotiæ, 3d March 1362-3. 37 Ed. III. vol. i. p. 871. Bower, in his additions to Fordun, has asserted that David agreed to dismantle certain castles in Niddesdale, which greatly annoyed the English; and that, on his return to his dominions, he accordingly destroyed the castles of Dalswinton, Dumfries, Morton, and Durisdeer, with nine others. No such stipulation is to be found in the treaty, (Rymer, vol. vi. p. 46,) and Fordun himself makes no mention of it.

tions of this famous treaty were uncommonly favourable to England, and reflect little credit on the diplomatic talents of the Scottish commissioners. The sum agreed on was oppressively high; and it fell upon the country at a period when it was in a low and exhausted condition.

But the ransom itself was not the only drain on the resources of the country. The numerous unsuccessful attempts at negotiation which preceded this final settlement had occasioned many journeys of the Scottish nobility to England, and such expeditions brought along with them a heavy expenditure. Besides this, the ransom of the Scottish prisoners, taken in the battle of Durham; their support, and that of the king their master, for many years in England; with the expense occasioned by the residence of three great nobles, and twenty young men of the first rank, for so long a time in another country, occasioned an excessive expenditure. The possession, too, of the hostages by England tended greatly to cripple the power, and neutralise the independent efforts of her enemy; and the frequent intercourse between the nobles of the poorer and those of the richer country gave Edward opportunities of intrigue, which he by no means neglected.

Meanwhile, the representatives of the nobility, the bishops, and the burghs of Scotland ratified the treaty;[1] and David, released from captivity, returned to Scotland, to receive the enthusiastic welcome of his people. But it was soon discovered that the character and manners of the king had been deteriorated by his residence in England. His first public act was to summon a parliament, to meet at Scone, regarding which there is a little anecdote preserved by a contemporary historian, which throws a strong and painful light upon his harsh disposition. In the progress to the hall where the estates were to meet, crowds of his people, who had not beheld their king for eleven years, pressed upon him, with rude, but flattering ardour. The monarch, whose march was thus affectionately interrupted, became incensed, instead of being gratified; and, wresting a mace from one of his attendants, threatened to beat to the ground any who dared to annoy him: a churlish action, which shews how little cordiality could subsist between such a prince and his subjects, and prepares us for the unhappy transactions that afterwards made so deadly a breach between him and his people.[2]

The proceedings of the parliament itself may be imperfectly gathered from a fragment which has been preserved; but the record of the names of the clergy, nobility, and other members who were present, which might have thrown some light upon the state of parties at the return of the king, is unfortunately lost. The enormous sum of the ransom, and the mode in which the annual instalment should be collected, appears to have been the first subject which occupied the attention of the great council. The provisions upon this were important, and illustrated the state of commerce in the country. It was resolved that all the wool and wool-fells of the kingdom should be given to the king, at the rate of four marks for the sack of wool, and the same sum for every parcel of two hundred fleeces; and it is probable that the king afterwards exported these sacks and fleeces, at a high profit, to foreign parts, or disposed of them to foreign merchants who resorted to Scotland.[3] In the next place, a minute and accurate account of the rents and produce of the lands of the realm, and a list of the names of the proprietors, was appointed to be taken by certain sworn commissioners appointed for the purpose. From this account were specially excepted white sheep, domestic horses, oxen, and household furniture; but so minute was the scrutiny, that the names of all mechanics, tradesmen, and artificers were directed to be taken, with the purpose of ascertaining what

[1] Rymer, vol. vi. pp. 52 to 56 inclusive.

[2] Winton, vol. ii. p. 283.

[3] Robertson's Parliamentary Records of Scotland, pp. 96, 97.

tax should be paid on the real value of their property, and what sum each person, of his own free will, might be expected to contribute towards the ransom of the king. Proclamation was directed to be made throughout the kingdom, that, during the term within which such an account was to be taken, no one should sell or export any sheep or lambs. Officers were to be stationed on the marches to prevent such an occurrence; every hoof or fleece which was carried off was to be seized and forfeited to the king; while the sheriffs of the counties, and the barons and gentry, were directed to use their utmost endeavour that none should dare to refuse such taxation, or fraudulently attempt to escape, by transferring themselves from one part of the country to another. If any of the sheriffs, tax-gatherers or their officers, were found guilty of any fraud, or unfaithful conduct; or, if any individuals were discovered concealing their property; all such delinquents were ordered to stand their trial at the next Justice Ayre; which, it was appointed, should be held by the king in person, that the royal presence might insure a more solemn distribution of justice, and strike terror into offenders. A provision was next made that in each county there should be good and sufficient sheriffs, coroners, bailies, and inferior officers; it was ordered that all lands, rents, or customs, belonging originally to the king, should be resumed, to whatever persons they might have been granted, in order that the whole royal lands should continue untouched; and that the kingdom, already burdened by the king's ransom, might be freed from any additional tax for the maintenance of the throne. The king was required to renew that part of his coronation oath by which he had promised that he should not alienate the crown lands, or dispose, without mature advice, of any rents, wards, or escheats belonging to the crown; and there was a prohibition against exporting the sterling money out of the realm, by any person whatever, unless upon the payment to the exchequer of half a mark for each pound.[1]

During the captivity of the sovereign, it appears that they who, at various times, were at the head of affairs had either appropriated to themselves, or made donations to their dependants, of various portions of the crown lands; and it was therefore enacted, that all who had thus rashly and presumptuously entered into possession of any lands or wardships belonging to the crown should, under pain of imprisonment, be compelled to restore them to the king. The next article in the provisions of this parliament is extremely obscure. It was resolved "that all the lands, possessions, and goods of the homicides, after the battle of Durham, who have not yet bound themselves to obey the law of the land, should be placed in the hands of the king, until they come under sufficient security to obey the law; and that all pardons or remissions granted to persons of this description, by the governors of the kingdom, during the absence of the king, should not be ratified, unless at the royal pleasure." And it was also provided that, if any person, after the captivity of the sovereign, had resigned to the regent any tenement which he held of the crown *in capite*, which property had been bestowed upon another who had alienated it in whole or in part without the royal permission, all such tenements should again revert to the crown.

The names of the nobles and barons who sat in this parliament being lost, we can only conjecture that some individuals had absented themselves, from the idea that the disturbances which they had excited during the captivity of the king would be visited with punishment. It is stated in the Scala Chronicle, that soon after the conflict at Durham the private feuds amongst the nobility were carried to a grievous height; and that the kingdom was torn by homicides, rapine, and private war, for which Fordun does not hesitate indirectly to criminate the

[1] Robertson's Parliamentary Records, pp 93, 97.

Steward.[1] It is certain, at least, from the record of this parliament, that the remissions or pardons granted to these defaulters by the Steward, and those in office under him, were recalled; and that the king resented his conduct, in interfering with the royal prerogative, and bestowing lands held of the crown upon his own creatures and dependants.

For the present, however, there was the appearance of tranquillity. The treaty which had settled the ransom received the approbation of the parliament; and Edward not only gave orders for its strict fulfilment, but sought by every method to ingratiate himself with the prelates and the nobility of Scotland. His object in all this became soon apparent. Aware, from repeated experience, of the difficulty of reducing this country by open force, a deeper policy was adopted. He had already gained an extraordinary influence over the weak character of the king, and had secretly prevailed upon him to acknowledge the feudal superiority of England. David being without children, there existed a jealousy between him and the Steward, who had been nominated next heir to the crown; and we may date from this period the rise of a dark faction, to which the Scottish king meanly lent himself a party, and the object of which was to intrude a son of Edward the Third into the Scottish throne. For some time, however, this conspiracy against the independence of the nation was concealed, so that it is difficult to discover the details or the principal agents: but from the frequent journeys of some of the Scottish prelates and barons to the court of England, from the secret and mysterious instructions under which they acted, and the readiness with which they were welcomed,[2] there arises a strong presumption that this monarch had gained them over to his interest. The Earl of Angus, one of David's hostages, had private meetings with the King of England, and was despatched to Scotland that he might confer with his own sovereign upon matters which shunned the light, and did not appear as usual in the instruments and passports.[3] Within a short period the Scottish queen, a sister of Edward, made two visits to London, for the purpose of treating with her brother on certain matters which are not specified in her safe-conduct. The King of Scotland next sought the English court in his own person; and after his return, the Bishop of St Andrews, the Earl of March, along with the Earl of Douglas, Sir Robert Erskine, and Sir William Livingstone, were repeatedly employed in these secret missions which at this period took place between the two monarchs.[4] These barons generally travelled with a numerous suite of knights or squires;[5] and while their masters were engaged in negotiation, the young knights enjoyed their residence at a court then the most chivalrous in Europe, and were welcome guests in the fetes and amusements which occupied its warlike leisure. Large sums of money were required for such embassies; and the probability is, that they were chiefly defrayed by the English monarch, who looked for a return in the feelings of gratitude and obligation which he thus hoped to create in the breasts of the Scottish nobility. Nor were other methods of conciliation neglected by this politic prince. He encouraged the merchants of Scotland to trade with England by grants of protection and immunity, which formed a striking contrast to the spirit of jealousy and exclusion with which they had lately been treated.[6]

From the moment of David's return, a complete change took place in

[1] Fordun a Hearne, p. 1039. Leland's Coll. vol. i. p. 562.

[2] Rotuli Scotiæ, vol. i. pp. 814, 815, 31 Ed. III. m. 4.

[3] Rotuli Scotiæ, 31 Ed. III. m. 2, 25 Dec. 1357, vol. i. p. 818.

[4] Ibid. 32 Ed. III. pp. 819, 821, 822.

[5] Ibid. 32 Ed. III. p. 821. Willelmus de Levyngeston. "Cum octo Equitibus de Comitiva sua." Sir Robert Erskine, with the same number, p. 822. The Earl of March travels to England, "Cum viginti Equitibus et eorum garcionibus," p. 823.

[6] Rotuli Scotiæ, vol. i. 32 Ed. III. pp. 822, 823.

the commercial policy of England, and the Scottish merchants were welcomed with a liberality which, could we forget its probable object, was as generous as it was beneficial to both countries. At the same time the youth of Scotland were induced to frequent the universities of Oxford and Cambridge, by the ready kindness with which the king gave them letters of protection;[1] and the religious, who wished to make pilgrimages to the most celebrated shrines in England, found none of those impediments to their pious expeditions which had lately existed.

At this moment, when designs existed against the independence of Scotland, so dangerous in their nature, and so artfully pursued, it was unfortunate that a spirit of military adventure carried many of its best soldiers to the continental wars. Sir Thomas Bisset and Sir Walter Moigne, with Norman and Walter Lesley, previous to David's return, had left the country on an expedition to Prussia,[2] in all probability to join the Teutonic knights, who were engaged in a species of crusade against the infidel Prussians.[3] Not long after, Sir William Keith, marshal of Scotland, Sir William Sinclair, lord of Roslin, Sir Alexander de Lindesay, Sir Robert Gifford, and Sir Alexander Montgomery, each with a train of sixty horse, and a strong body of foot soldiers, passed through England to the continent, eager for distinction in foreign wars, with which they had no concern, and foolishly deserting their country when it most required their services.[4] Yet this conduct was more pardonable than that of the Earl of Mar, who entered into the service of England, and with a retinue of twenty-four knights and their squires, passed over to France in company with the English monarch and his army.[5] The example was infectious; and the love of enterprise, the renown of fighting under so illustrious a leader, and the hopes of plunder, induced other soldiers to imitate his example. Edward, therefore, whose attempts to conquer Scotland by force of arms had utterly failed, seemed now to have fallen upon a more fatal and successful mode of attack. Many of the barons were secretly in his interest; some had actually embraced his service; the king himself was wholly at his devotion; the constant intercourse which he had encouraged had softened, as he hoped, and diluted, the bitterness of national animosity; and the possession of his twenty hostages had tied up the hands of the principal barons of the land, who in other circumstances would have been at liberty to have acted strenuously against him. Nothing now remained but to develop the great plan which all this artful preparation was intended to foster and facilitate; but for this matters were not yet considered far enough advanced.

Meanwhile, David anxiously adopted every method to collect the sums necessary for his ransom; nor can we wonder at his activity when we remember that his liberty or his return to the Tower depended on his success. He had already paid the first ten thousand marks;[6] and the Pope, at his earnest request, consented that, for the term of three years, he should levy a tenth of all the ecclesiastical benefices in Scotland, under the express condition that the clergy were, after this, to be exempted from all further contribution. Yet this stipulated immunity was soon forgotten or disregarded by the king; and in addition to the tenth, the lands and temporalities of all ecclesiastics, whether they held of the king or of a subject, were compelled to contribute in the same proportion as the barons and free tenants of the crown,—a measure violently opposed by the Church, and which must have lost to the king much of his popularity with this important body.[7]

[1] Rotuli Scotiæ, 32 Ed. III. vol. i. pp. 822, 825, 828.
[2] Rymer, vol. v. p. 866.
[3] Barnes' Edward III. p. 669.
[4] Rotuli Scotiæ, vol. i. 32 Ed. III. p. 830.
[5] Ibid. 33 Ed. III. p. 842. Rymer, vol. vi. p. 119.
[6] Rotuli Scotiæ, 32 Ed. III. p. 827. 23d June 1358.
[7] Fordun a Hearne, p. 1054.

The period for the payment of the second instalment of the ransom-money to England now rapidly approached. In Scotland, the difficulty of raising money, owing to the exhausted and disorganised state of the kingdom, was excessive; and the king in despair, and compelled by the influence of the party of the Steward, which supported the independence of the country, forgot for a moment the intimate relations which now bound him to Edward, and opened a negotiation with the Regent of France, in which he agreed to renew the war with England, provided that prince and his kingdom would assist him with the money which he now imperiously required. To these demands the French plenipotentiaries replied,[1] that in the present conjunction of affairs, when France was exhausted with war, and the king and many of the highest nobility in captivity, it was impossible to assist her ancient ally so speedily or so effectually as could be desired. They agreed, however, to contribute the sum of fifty thousand marks [2] towards defraying the ransom, under the condition that the Scots should renew the war with England, and that there should be a ratification of the former treaty of alliance between France and Scotland.

These stipulations upon the part of the French were never fulfilled. An army of a hundred thousand men, led by Edward in person, passed over to Calais a few months after the negotiation,[3] and France saw in the ranks of her invaders many of the Scottish barons who had become the tools of England. Amongst those whom the English king had seduced, was Thomas, earl of Angus, one of the hostages for David, a daring adventurer, who had commissioned from the Flemings four ships of war, with which he promised to meet Edward at Calais. But on procuring his liberty, Angus forgot his engagement; and, remaining in Scotland, acted a principal part in the commotions which then distracted the country.[4] Sir Thomas Bisset, Sir William of Tours, and Sir John Borondon, and probably many other Scottish knights, accompanied Edward,[5] but had little opportunity of signalising themselves; and after an inglorious campaign, hostilities were concluded by the celebrated treaty of Bretigny, in which the two belligerent powers consented to a mutual sacrifice of allies. The French, naturally irritated, agreed to renounce all alliances which they had already formed with Scotland, and engaged, for the time to come, to enter into no treaties with that nation against the realm of England; and England, on her part, was equally accommodating in her renunciation of her Flemish allies.[6] Such conduct upon the part of the French regent must have been highly mortifying to the Steward and his friends, who considered the continuance of a war with England as the only certain pledge for the preservation of the national liberty. On the other hand, the confederacy, which had been gradually gaining ground in favour of England, and now included amongst its supporters the Scottish king himself and many of his nobles, could not fail to be gratified by a result which rendered a complete reconciliation with Edward more likely to occur, and thus paved the way for the nearer development of their secret designs, by which the Steward would ultimately be prevented from ascending the throne.

Whilst such was the course of events in France, Scotland at home presented a scene of complicated distress and suffering. A dreadful inundation laid the whole of the rich country of Lothian under water. The clouds poured down torrents such as had never before been seen by the oldest inhabitants; and the rivers, breaking over their banks with irresistible violence, destroyed ramparts and bridges, tore up the strongest oaks and forest trees by

[1] Traittez entre les Roys de France et les Roys d'Escosse. MS. in Ad. Library, A. 3. 9.

[2] "Cinquante mil marcs d'Esterlins, ou la valleur en or si comme il vault en Angleterre."

[3] Rotuli Scotiæ, 34 Ed. III. m. 4, pp. 846, 847.

[4] Fordun a Goodal, vol. ii. p. 365.

[5] Rotuli Scotiæ, p. 840.

[6] Rymer, Fœdera, vol. vi. p. 192, Art. 31, 32, 33.

the roots, and carried houses, barns, and implements of husbandry, in one undistinguished mass to the sea-shore. The lighter wooden habitations of the working-classes were swept from their foundations; and the castles, churches, and monasteries entirely surrounded by water.[1] At length, it is said, a nun, terror-struck by the anger of the elements, snatched a small image of the Virgin from a shrine in the church of her monastery, and threatened aloud to cast her into the stream, unless she averted the impending calamity. The flood had already touched the threshold of the building, when it was suddenly checked; and Bower assures us that from that moment the obedient waters returned within their accustomed boundaries.[2]

Not long after this inundation, the country was visited by another dreadful guest: the great pestilence, which had carried away such multitudes in 1349,[3] again broke out in Scotland, with symptoms of equal virulence and fatality. In one respect the present calamity was different from the former. That of 1349 had fallen with most severity upon the poorer classes, but in this the rich and noble in the land, equally with the meanest labourers, were seized by the disease, and in most instances fell victims to its ravages. The deaths at last became so numerous, and the crowds of the dead and the dying so appalling, that David, with his court, retreated to the north, and at Kinross, in Moray, sought a purer air and less lugubrious exhibitions.[4]

On his return, a domestic tragedy of a shocking nature awaited him. His favourite mistress, Catherine Mortimer, whom he had loved during his captivity, had afterwards accompanied him into Scotland, and from some causes not now discoverable, became an object of jealousy and hatred to the Earl of Angus and others of the Scottish nobles. At their instigation, two villains, named Hulle and Dewar, undertook to murder her; and having sought her residence under a pretence that they came from the king with instructions to bring her to court, prevailed upon the unsuspecting victim to intrust herself to their guidance. They travelled on horseback; and on the desolate moor between Melrose and Soutra, where her cries could bring none to her assistance, Hulle stabbed her with his dagger and despatched her in an instant.[5] David instantly imprisoned the Earl of Angus in Dumbarton castle, where he fell a victim to the plague, and commanded his unfortunate favourite to be buried with all honour in the Abbey of Newbattle.

Towards the conclusion of the year which was marked by this base murder, a secret negotiation, regarding the subject of which the public records give us no certain information, took place between Edward and the Scottish king. The Bishops of St Andrews and Brechin, with the Archdeacon of Lothian, the Earls of March and Douglas, Sir Robert Erskine, and Sir John Preston, repaired, with a numerous retinue, to the English court; but the object of their mission is studiously concealed. It is indeed exceedingly difficult to understand or to unravel the complicated intrigues and the various factions which divided the country at this period. The king himself was wholly in the interest and under the government of Edward. The Steward, on the other hand, to whom the people affectionately looked as his successor, and whose title to the throne had been recognised by a solemn act of the three estates of the kingdom, was at the head of the party which opposed the designs of England, and strenuously defended the independence of the country. Many of the nobles, seduced by the example of their sovereign, and by the wealth of England, had deserted to Edward; many others, indignant at such treachery, leagued themselves in the strictest ties with the Steward: and between these two parties there existed, we

[1] Fordun a Hearne, p. 1053.
[2] Fordun a Goodal, vol. ii. p. 362.
[3] Winton, book viii. chap. xlv. vol. ii. p. 292.
[4] Fordun a Goodal, p. 365.
[5] Scala Chronicle, p. 196. Fordun a Goodal, vol. ii. p. 365.

may believe, the most deadly animosity. But we may, I think, trace in the records of the times—for our ancient historians give us no light on the subject—another and more moderate party, to whom Edward and David did not discover their ultimate intentions for the destruction of the independence of Scotland as a separate kingdom, but who hailed with joy, and encouraged with patriotic eagerness, those pacific measures which were employed to pave the way for their darker designs. Nor is it difficult to understand the feelings which gave rise to such a party. A war of almost unexampled length and animosity had weakened and desolated the country. Every branch of national prosperity had been withered or destroyed by its endurance; and it is easy to conceive how welcome must have been the breathing time of peace, and how grateful those measures of free trade and unfettered intercourse between the two countries which Edward adopted, from the moment of David's liberation till the period of his death.[1] It is quite possible to believe that such men as the Earl of Douglas and Sir Robert Erskine, the Bishops of St Andrews and Brechin, with other prelates and nobles, who were engaged in perpetual secret negotiations with Edward, should have been amused with propositions for a complete union and a perpetual peace between the two countries; while David himself, and those traitors who were admitted into the deeper parts of the plot, assisted at their negotiations, sheltered themselves under their upright character, and thus disarmed suspicion.

Meanwhile, under this change of measures, Scotland gradually improved; and the people, unconscious of the designs which threatened to bring her down to the level of a province of England, enjoyed the benefits and blessings of peace. The country presented a stirring and busy scene. Merchants from Perth, Aberdeen, Kirkcaldy, Edinburgh, and the various owns and royal burghs, commenced a ucrative trade with England, and through that country with Flanders, Zealand, France, and other parts of the continent; wool, hides, sheep, and lamb skins, cargoes of fish, herds of cattle, horses, dogs of the chase, and falcons, were exported; and in return, grain, wine, salt, and spices of all kinds; mustard, peas, potashes, earthenware, woollen cloth; silver and gold in bars, cups, vases, and spoons of the same precious metals; swords, helmets, cuirasses, bows and arrows, horse furniture, and all sorts of warlike accoutrements, were imported from England, and from the French and Flemish ports, into Scotland.[2]

Frequent and numerous parties of rich merchants, with caravans laden with their goods, and attended by companies of horsemen and squires, for the purposes of defence and security, travelled from all parts of Scotland into England and the continent.[3] Edward furnished them with passports, or safe-conducts; and the preservation of these instruments, amongst the Scottish rolls in the Tower, furnishes us with an authentic and curious picture of the commerce of the times. We find these passports granted to bodies of fifty and sixty at a time; each of the merchants being men of such wealth and substance as to be accompanied by a suite of four, five, or six horsemen. In the year 1363, passports were granted to forty-nine Scottish merchants, who are accompanied by a body of eighty-seven horsemen, and eighteen squires or garcons; and the following year was crowded with expeditions of the same nature. On one memorable occasion, in the space of a single month, a party of sixty-five merchants obtained safe-conducts to travel through England, for the purposes of trade; and their warlike suite amounted to no less than two hundred and thirty horsemen.[4]

Besides this, the Scottish youth, and many scholars of more advanced years, crowded to the colleges of Eng-

[1] Rotuli Scotiæ, vol. i. pp 859, 862.

[2] Rotuli Scotiæ, vol. i. pp. 760, 881, 891, 911, 925. Rymer, vol. vi. p 575.

[3] Rotuli Scotiæ, vol. i. p. 876.

[4] Ibid. vol. i. pp. 885, 886.

land;[1] numerous parties of pilgrims travelled to the various shrines of saints and martyrs, and were liberally welcomed and protected;[2] whilst, in those Scottish districts which were still in the hands of the English, Edward, by preserving to the inhabitants their ancient customs and privileges, endeavoured to overcome the national antipathy, and conciliate the affections of the people. Commissions were granted to his various officers in Scotland, empowering them to receive the homage and adherence of the Scots who had hitherto refused to acknowledge his authority; passports, and all other means of indulgence and protection were withdrawn from such as resisted, or became objects of suspicion; and every means was taken to strengthen the few castles which he possessed, and to give security to the inhabitants of the extensive district of Annandale, with other parts of the country which were in the hands of English subjects.[3]

During the course of the year 1362, the Bishops of St Andrews and of Brechin, Wardlaw, archdeacon of Lothian, with Sir Robert Erskine and Sir Norman Lesley, were engaged in a secret mission to the court of England; and a public negotiation was commenced for a final peace between the two countries, which appears not to have led to any satisfactory result.[4] The truce, however, was still strictly preserved; the fears of an invasion of England by the party opposed to Edward had entirely subsided; and the pacific intercourse between both countries, by the constant resort of those whom the purposes of trade, or devotion, or pleasure, or business carried from their homes, continued as constant and uninterrupted as before.[5] Meanwhile Joanna, queen of Scotland, who had resided for some time past at her brother's court, was seized with a mortal illness, and died in Hertford castle.[6] In the course of the former year, the only son of the Earl of Sutherland, who was nephew to the Scottish king, had been cut off by the plague at Lincoln.[7] Edward Baliol lay also on his deathbed; and these events were seized upon as a proper opportunity to bring forward that great plan which had been so long maturing, and by which Edward the Third persuaded himself that, in return for his flattering and indulgent policy, he was to gain a kingdom.

Although the ramifications of the conspiracy by which Edward and David attempted to destroy the independence of Scotland are exceedingly obscure, enough, I think, has been pointed out to prove that it had been going on for many years. We have seen that the English king purchased from Baliol the whole kingdom; that David had completely thrown himself into the arms of England, and even actually acknowledged the superiority of the one crown over the other; and now when, as was imagined, all obstacles were removed, we are to witness the open development and the utter discomfiture of this extraordinary plot. A parliament was summoned at Scone in the month of March 1363;[8] and the king, after alluding to the late negotiation for a final peace which had taken place between the commissioners of both countries, proceeded to explain to the three estates the conditions upon which Edward had agreed to concede this inestimable blessing to the country. He proposed, in the event of his death, that the states of the realm should choose one of the sons of the King of England to fill the Scottish throne; and he recommended in the strongest manner that such choice should fall upon Lionel, the third son of that monarch,—a prince in every respect well qualified, he affirmed, to defend the liberty of the kingdom. If this election was agreed to, he was empowered, he said, to disclaim, upon the part of the King of England and his heirs, all future

[1] Rotuli Scotiæ, pp. 886, 891.
[2] Ibid. pp. 878-880.
[3] Ibid. pp. 861, 872, 873, 875, 894.
[4] Ibid. vol. i. pp. 862, 864.
[5] Ibid. pp. 859, 860, 865.
[6] Walsingham, p. 179.
[7] Fordun a Goodal, vol. ii. p. 366. Edward Baliol also died in 1363, at Doncaster. Knighton, p. 2627.
[8] 4th March 1363-4. Robertson's Parliamentary Records, p. 100.

attempts to establish a right to the kingdom of Scotland under any pretence whatever; that grievous load of ransom, which pressed so heavily upon all classes of the country, would be from that moment discharged;[1] and he concluded by expressing his conviction that in no other way could a safe and permanent peace be established between the two nations.[2]

The estates of parliament stood aghast at this base proposal, which was received by an instantaneous burst of deep and undissembled indignation. It required, indeed, no little personal intrepidity to name such terms to an assembly of armed Scottish barons. Their fathers and themselves had, for more than sixty years, been engaged in almost uninterrupted war against the intolerable aggressions of England. It was for the stability of the kingdom, whose liberties were now attempted to be so wantonly sacrificed, that Wallace, and Douglas, and Randolph, and Bruce had laboured and bled. By the most solemn acts of the legislature, and the oaths of the three estates, taken with their hands on the holy gospels, they were bound to keep the throne for the descendants of their deliverer; and it is not difficult to imagine with what bitter feelings of sorrow and mortification they must have reflected that the first proposal for the alteration of the succession came from the only son of Robert Bruce. In such circumstances, it required neither time nor deliberation to give their answer. It was brief, and perfectly unanimous, on the part of the three estates, clergy, nobles, and burgesses: "*We never*," said they, "*will allow an Englishman to rule over us;* the proposition of the king is foolish and improvident, for he ought to have recollected that there exists heirs to the throne, whose age and virtues render them worthy of that high station; and to whom the three estates are bound to adhere, by the deeds of settlement, which have been ratified by their own solemn oath. Yet," they added, "they earnestly desired peace; and, provided the royal state, liberty, and separate independence of the kingdom were not infringed upon, would willingly make every sacrifice to attain it."[3]

With this resolute answer the king was deeply moved. His eyes flashed with rage, and his gestures for a moment betrayed the conflict of anger and disappointment which was passing in his mind; but he repressed his feelings, and, affecting to be satisfied, passed on to other matters. It was determined to open an immediate negotiation with England, preparatory to a final treaty of peace; and for this purpose, Sir Robert Erskine, along with Walter Wardlaw, the archdeacon of Lothian, and Gilbert Armstrong, were appointed commissioners by the parliament. With regard to the ransom, the nobles declared that they were ready cheerfully to suffer every privation, for the payment of the whole sum; and that they would use their utmost exertion to prevent the truce from being broken, as well as to answer for the penalties already due for its infringement, by that party which was adverse to England.[4] These

[1] Although this is not mentioned by Fordun or Winton, I have inferred that the discharge of the ransom was stipulated, from the terms of the Parliamentary Record, and from the sixth article of the subsequent secret treaty at Westminster. Rymer, vol. vi. p. 426.

[2] Fordun a Goodal, vol. ii. p. 366.

[3] "Cui breviter, et sine ulteriori deliberatione aut retractatione responsum fuit per universaliter singulos, et singulariter universos de tribus statibus, NUNQUAM SE VELLE CONSENTIRE ANGLICUM SUPER RE REGNARE." Fordun a Goodal, vol. ii. pp. 366, 367. Winton, vol. ii. p. 294. Robertson's Parl. Records, p. 100.

[4] In the record of this important parliament, which is unfortunately in an extremely mutilated state, there is some obscurity as to the meaning of the words, "Si que per partem adversam pro commissis hactenus possent infligi vel obiici." I understand the "pars adversa" to be the party of the Steward, which was decidedly hostile to England, and eager to break the truce. The whole "Record" of this famous parliament has been printed by the late Mr Robertson, in that first and interesting volume of the Records of the Scottish Parliament, which, on account of some defects in its arrangement, was cancelled and withdrawn. A copy of this rare work, which has been already quoted frequently in the course of this volume, was, many years ago, presented by Mr Thomson, the present Deputy-Clerk-Register, to my late father, Lord Woodhouselee; and to this

expressions alluded, no doubt, to the Steward and his friends, who, for some time before this, must have been aware of the practices of David against the independence of the country, and his secret intrigues with Edward.

The object of this daring plan, which, there is reason to believe, had been maturing during the whole course of David's captivity, was now avowed in open parliament; and, if carried into execution, it would have excluded for ever from the throne of Scotland the Steward, and all descendants of Robert the Bruce. We are not, therefore, to wonder that the bare proposal of such a scheme alarmed and agitated the whole kingdom. It was instantly, indeed, repelled and put down by the strong hand of parliament, and apparently given up by the king; but all confidence between David and his nobles was destroyed from this moment, and the effects of this mutual suspicion became soon apparent.

The Steward, who had good reason to suspect the sincerity of the king, assembled his friends to deliberate upon the course of proceedings which it was deemed necessary to adopt; and a very formidable league or conspiracy was soon formed, which included amongst its supporters a great majority of the nobility. According to a common practice in that age, the lords and barons who stood forward to support the succession entered into bonds or agreements of mutual defence, which were ratified by their oath and seal.[1] The Steward himself, with the Earl of March, the Earl of Douglas, the Steward's two sons, John, Steward of Kyle, Robert, Steward of Menteith, and others of the most powerful nobility in the country, openly proclaimed that they would either compel the king to renounce for ever his designs, and adhere to the succession, or would at once banish him from the throne.[2] To shew that these were not empty menaces, they instantly assembled their retainers, and in great force traversed the country. The nobles who supported David were cast into prison, their lands ravaged, their wealth, or rather the wealth of their unfortunate vassals and labourers, seized as legitimate spoil; and the towns and trading burghs, where those industrious mercantile classes resided, who had no wish to engage in political revolution, were cruelly invaded and plundered.

The violence of these proceedings gave to the cause of the king a temporary colour of justice; and of this his personal courage, the only quality which he inherited from his great father, enabled him to take advantage He instantly issued a proclamation, in which he commanded the rebels to lay down their arms and return to their allegiance as peaceable and faithful subjects; and summoned his barons to arm themselves and their vassals in defence of the insulted majesty of the throne.[3] To the body of the disinherited barons in England, whose strength had, not long before, achieved so rapid a revolution, in placing Baliol on the throne, David confidently looked for assistance. This party included the Earl of Athole, the Lords Percy, Beaumont, Talbot, and Ferrers, with Godfrey de Ross, and a few other powerful nobles. From them, and from Edward himself, there is reason to believe that the king received prompt support both in men and money; for it is certain that he was able to collect a numerous army, and to distribute amongst the soldiers far larger sums for their pay and equipment than the exhausted state of the country and of his own coffers could have afforded.[4] The strong castles of Roxburgh, Jedburgh, and Lochmaben, with the Border districts around them, comprehending Annandale, part of Teviotdale, and the Merse,[5] were in the hands of the English, who compelled their warlike population to serve against the Steward; so that David was enabled to advance instantly against his enemies, with a force which

unpublished record I am indebted for valuable assistance, in an attempt to explain one of the darkest periods of Scottish history.

[1] Fordun a Hearne, p. 1057. [2] Ibid.

[3] Fordun a Goodal, vol. ii. p. 367.

[4] Fordun a Hearne, p. 1058. Robertson's Parliamentary Records, p. 101.

[5] Rymer's Fœdera, vol. vi. p. 426.

it would have been folly in them to attempt to resist. It was fortunate that the two parties thus ranged in deadly opposition against each other were yet mutually afraid of pushing matters into the extremities of a war. The king knew that he was generally unpopular, and that his attempt to change the succession was regarded with bitter hostility, not only by the nobles, but by the whole body of the nation; and he naturally dreaded to call these feelings into more prominent action.[1] On the other hand, the Steward was anxious, under such threatening circumstances, when his title to the crown was proposed to be set aside, to conciliate the affections of the people by a pacific settlement of the differences between himself and the sovereign. These mutual feelings led to a treaty which saved the country from a civil war. On the approach of the royal army, the Steward and the barons who supported him agreed to lay down their arms and submit to the clemency of the king. The bonds and engagements by which their party was cemented were renounced and cancelled in an assembly of the whole nobility of Scotland, which was convoked on the 14th of May, at Inchmurdach, a palace of the Bishop of St Andrews,[2] where the Steward again renewed his oath to David. He swore upon the holy gospels that he would henceforth continue faithful to the king as his sovereign and liege lord; that to the utmost of his power he would defend him from his enemies, and support his servants and ministers against every opposition; and this he promised under the penalty of losing all title to the throne of Scotland, of forfeiting his lands and possessions for ever, and of being accounted a perjured and dishonoured knight.[3]

In return for this prompt submission, the Steward's title in the succession was distinctly recognised, and the earldom of Carrick conferred upon his eldest son, afterwards Robert the Third. The Earls of March and Douglas, the sons of the Steward, and the rest of the barons who had joined his party, renewed their fealty at the same time; and David had the satisfaction to see a dangerous civil commotion extinguished by his energetic promptitude and decision. But this was only a temporary ebullition of activity; and, as if worn out by the exertion, the king relapsed into his usual indolence and love of pleasure.

It was at this critical time that he met with Margaret Logy,[4] a woman of inferior birth but extraordinary beauty. She was the daughter of one of the lower barons, and related, in all probability, to that John de Logy who had been executed for treason during the latter part of the reign of Robert Bruce. Of this lady David, ever the slave of his passions, became deeply enamoured; and, heedless of the consequences, determined to possess himself of the object of his affection. Overlooking, accordingly, in the ardour of his pursuit, all difference of rank, and despising the resentment of his proud nobility, the king married this fair unknown, and raised her to the throne which had been filled by the sister of Edward the Third. No step could be more imprudent. The Steward, who, in the event of a son being born of this alliance, would be excluded from the throne by a boy of almost plebeian origin—the powerful Earl of March, the haughty Douglas, and the other grandees of the realm, whose feudal power and territories were almost kingly, felt themselves aggrieved by this rash and unequal alliance. Disgust and jealousy soon arose between the queen and the nobility; and such was the influence which she at first possessed over the fickle and impetuous monarch, that he cast the Steward, with his son, Alexander, lord of Badenoch, into prison; and soon after, weary of his own kingdom, and aware of his unpopularity, obtained a safe-conduct to travel into England on a pilgrimage to the shrine

[1] Fordun a Hearne, p. 1058.

[2] Macpherson's Geographical Illustrations of Scottish History, voce Inchmurdach.

[3] Fordun a Goodal, vol. ii. p. 369.

[4] Fordun a Hearne, pp. 1059, 1010. Bower (Fordun a Goodal, vol. ii. p. 370) says she was the daughter of John Logy.

of the Virgin at Walsingham.[1] His fair queen, at the same time on the like errand, accompanied by a train of thirty knights, sought the shrine of St Thomas of Canterbury; and Scotland, deserted by her sovereign, and with the nearest heir to the crown in a dungeon, regarded with deep apprehension a state of things which, to the most superficial eye, was full of danger.

It was not to be expected that a prince of the talents and ambition of Edward the Third should fail to take advantage of these complicated difficulties. A large part of the ransom due by the King of Scotland was still unpaid; and as the regular terms of settlement had long been neglected, the penalties incurred by such a failure increased the principal sum to an overwhelming amount. The king's increasing unpopularity in Scotland rendered it impossible for him to collect the money which was required. It was only by the kindness and sufferance of Edward that he had not been repeatedly remanded to his prison in the Tower; and in a few years, if this state of things continued, he felt that he must lay down his royal pomp, and, deserted by a people who bore him neither love nor respect, return to the condition of a captive.[2] These reflections embittered his repose: he determined to consent to every sacrifice to get rid of a ransom which made him a slave to Edward and an abject suitor to his subjects; and, under the influence of such feelings, again engaged in a secret treaty with England against the independence of his country.[3]

It will be recollected that the estates of Scotland had already despatched the Bishops of St Andrews and Brechin, along with Sir Robert Erskine, the Chamberlain of Scotland, to negotiate a peace between the two countries;[4] and to the result of this public embassy we shall soon advert. In the meantime, whilst these deliberations proceeded, a secret conference was held between the privy councillors of David and Edward, and in presence of both monarchs, at Westminster, on the 26th of November 1363. The names of the privy councillors are studiously concealed; but the real object of this meeting was an attempt, upon the part of Edward, to renew his designs for the entire subjugation of Scotland; but this was done with a caution strongly indicating his sense of the flame which the bare suspicion of such a renewal would kindle in that country. It was premised, in the first passage of the record of this conference, that everything now done was to be regarded solely in the light of an experiment; and that the various stipulations and conditions which it contained were not to be considered as finally agreed to either by one party or the other, but simply as attempts to bring about, under the blessing of God, a lasting peace between the two nations. The King of Scotland, who, along with Edward, was personally present whilst the various articles were made the subject of debate, consented that, in the event of his death without heirs-male of his body, the King of England and his heirs should succeed to the throne of Scotland; upon which event the town and castle of Berwick, with the castles of Roxburgh, Jedburgh, and Lochmaben, and all the lands occupied by Robert the First at the time of his death, and now in the hands of the King of England, were to be delivered up to Scotland; whilst the arrears of the ransom, as well as all penalties and obligations incurred by its non-payment, were to be cancelled for ever.

These were the two principal articles in the conference; but a variety of inferior stipulations were added, the object of which was evidently to induce the people of Scotland to sacrifice the independent throne of their country, by the solemn manner in which Edward agreed to preserve unimpaired its ancient constitution, and the laws and usages of the kingdom. It was

[1] Fordun a Goodal, vol. ii. p. 380. This author asserts that the Steward and his three sons were kept in separate prisons. From the Chamberlain's Accounts, pp. 498, 524, the fact seems to be as stated in the text.

[2] Rymer's Fœdera, vol. vi. p. 48.

[3] Ibid. p. 426.

[4] Robertson's Parliamentary Records, p. 100. Rotuli Scotiæ, 38 Ed. III. m. 6. 18th July, vol. i. p. 884.

agreed that the name and title of the kingdom of Scotland should be preserved distinct and entire, and should never be sunk in a union with England; whilst, at the same time, it was to remain, not in name only, but in reality, entire, without injury by gift, alienation, or division to any mortal, such as it was in the days of Robert the First. The kings of England were henceforth to be crowned kings of Scotland at Scone, upon the regal and sacred stone-seat, which was to be immediately conveyed thither from England; and the ceremony was to be performed by those Scottish prelates who were deputed by the Church of Rome to that office. All parliaments regarding Scottish affairs were to be held within that kingdom; and a solemn oath was to be taken by the English monarch that, as king of Scotland, he would preserve inviolate the rights and immunities of the holy Scottish Church, and consent that she should be subject neither to bishop nor archbishop, but solely to the Pope. In addition to all this, Edward engaged faithfully that the subjects of Scotland should never be called upon to answer to any suit, except within the courts of their own kingdom, and according to their own laws. He promised that no ecclesiastical benefices or dignities, and no civil or military office, such as that of chancellor, chamberlain, justice, sheriff, provost, bailie, governor of town or castle, or other officer, should be conferred on any, except the true subjects of the kingdom of Scotland; and that, in affairs touching the weal of that realm, he would select his councillors from the peers and lords of Scotland alone. He engaged, also, to maintain the prelates, earls, barons, and free tenants of that country, in their franchises and seignories, in their estates, rents, possessions, and offices, according to the terms of their charter; and pledged his royal word to make no revocation of any of the grants made or confirmed by Robert Bruce, or his son the present king.[1]

With regard to an important branch in the national prosperity—the commerce of Scotland—it was declared that the merchants of that realm should fully and freely enjoy their own privileges, without being compelled to repair, for the sale of their commodities, to Calais, or any other staple, except at their own option; and that they should pay half a mark to the great custom upon each sack of wool which they exported. The duty on the exportation of English wool was higher; and this article formed one of those many devices by which Edward, in his present projects, artfully endeavoured to secure the good-will of the rich burghers of Scotland,—a class of men now rising into influence and consideration. Nor were other baits for popularity neglected by those who framed this insidious treaty. To the powerful Earl of Douglas it was held out that he should be restored to the estates in England which had been possessed by his father and his uncle; —to the disinherited lords, the Earl of Athole, the Barons Percy, Beaumont, and Ferrers, with the heirs of Talbot, and all who claimed lands in Scotland, either by the gift of David when a prisoner, or on any other ground, there was promised a full restoration to their estates, without further trouble or challenge. The clergy were attempted to be propitiated by an article which promised to every religious house or abbey the restoration of the lands which had been torn from them during the excesses and calamities of war; and to the numerous and powerful body of vassals, or military tenants, who formed the strength of the nation, it was distinctly announced that, under the change which was to give them a new king, they were only to be bound by the ancient and acknowledged laws of military service, which compelled them to serve under the banner of their lord for forty days at their own expense; but that afterwards, any further continuance with the host should entitle them to receive pay according to their state and quality. A general indemnity was offered to all Scottish subjects, in the declaration that no challenge or action whatever should be

[1] Rymer's Fœdera, vol. vi. p. 427.

used against those who had departed from the oaths of homage which they had formerly sworn to England; and as to any additional conditions or articles which the three estates of Scotland might judge it right to demand, for the profit or good of their kingdom, the King of England declared that these points should be duly weighed by his council, and determined according to their advice.

This extraordinary conference, which was not known to the ancient Scottish historians Fordun or Winton, concluded by a promise upon the part of David that he would immediately sound the inclinations of his people, and inform the King of England and his privy council of their feelings regarding the propositions it involved, fifteen days after Easter.[1]

There remains no record by which we can discover whether this treaty was ever made the subject of deliberation in the Scottish parliament, or even in the privy council; but, fortunately for the peace of the country, it was unknown to the people for many hundred years after. Meanwhile, David and his queen remained at the court of Edward, rendered at this time especially brilliant by the presence of the Kings of France, Cyprus, and Denmark.[2] Amid the splendid entertainments in which this weak prince endeavoured to forget his kingdom, and to silence and drown reflection, one is worthy of notice. Sir Henry Picard, a wine merchant, gave a feast in his mansion to his royal master, Edward the Third. He invited, at the same time, the Kings of France, Scotland, Cyprus, and Denmark, with the personal suites of these monarchs, the sons of Edward, and the principal barons of England, who were all welcomed with princely magnificence. Whilst these guests were feasting in the hall, his wife, the Lady Margaret, received, in her apartments, the princesses and ladies of the court. A simple citizen of London entertaining five kings in his own house affords a remarkable picture of the wealth of the capital.

Amid such secret treachery and public rejoicings, the Scottish commissioners continued their negotiations for peace; and, after long debate and delay, returned to Scotland. David also repaired to his kingdom; and a parliament was summoned to meet at Perth, for the purpose of reporting to the three estates the result of the conferences on the projected treaty between the two countries.[3] This great council met accordingly on the 13th of January 1364, and nothing could be more wise and independent than their conduct. The embarrassment of the nation, from the immense expenditure of public money, and the increasing anxiety caused by the great portion of the king's ransom which was yet unpaid, were uppermost in their thoughts; and they were willing to make every sacrifice to extricate the country from its difficulties, to be freed from the payment of the ransom, and to obtain an honourable peace. For the accomplishment of this end, they declared themselves ready to restore the disinherited lords, meaning by this the Earl of Athole, the Lords Percy, Beaumont, Talbot, Ferrers, Godfrey de Ross, and a few others of inferior note, to the estates which they claimed in Scotland;[4] and to settle upon the youngest son of the King of England the lands in Galloway which were the inheritance of Edward Baliol, and the Isle of Man. The annual income of this island was rated at a thousand marks; and it was stipulated that if the Earl of Salisbury should claim the property of the island, an annuity of one thousand marks sterling should be paid to the prince, until lands of the same value were settled upon him, provided always that he held the same as the sworn vassal of the King of Scotland. In the event of such conditions being accepted by England as an equivalent for the ransom, they declared themselves ready to shew

[1] Fœdera, vol. vi. p. 427.
[2] Barnes's Ed. III. p. 633. Rotuli Scotiæ, vol. i. p. 884, 38 Ed. III.
[3] Robertson's Parliamentary Records, p. 101.
[4] Ibid.

their sincerity as allies by an invasion of Ireland, conducted by the king in person, and directed against that part of the coast where the landing was likely to be most successful.

The anxiety of the parliament for peace was strongly marked in the next article in their deliberations. If, said they, these conditions, which we are ready to make the basis of our negotiation, are not accepted by England, still, rather than renounce all hopes of a just and lasting peace, we have unanimously agreed that the ransom shall be paid, provided that moderate intervals between each term of payment are allowed; and in the understanding that a perpetual union and alliance shall take place between the two nations, if not on terms of a perfect equality of power, at least on such conditions as shall in no degree compromise the freedom and independence of Scotland.[1] In these conditions the estates declared themselves willing to include the articles regarding the disinherited lords; the provision to the son of the King of England; and the invasion of Ireland, provided the talents and industry of those to whom the negotiation had been intrusted were unsuccessful in obtaining a mitigation of the same. A proportional deduction from the large sum of the ransom was of course to be made, if such conditions were accepted by England.

It became, in the next place, a subject of grave consideration with the parliament what conduct ought to be pursued if, by such sacrifices, they were yet unable to procure the blessing of peace; and in their deliberations upon this subject a view is given of the great efforts which the country was ready to make, and of the mode in which the three estates proposed to raise money for the payment of the ransom, which is important and instructive.

Of the original sum stipulated—namely, one hundred thousand pounds sterling—twenty thousand marks had been already paid; although, owing to the instalments not having been regularly transmitted at the appointed period, there had been an accumulation to a considerable amount in the form of penalty for non-payment. It was accordingly proposed by the parliament that England should agree to a truce for twenty-four years, upon which they were ready to pay down annually, during the continuance of that period, five thousand marks sterling, till the sum of a hundred and twenty thousand marks was completed, being the whole accumulated ransom and penalty. Should the English council refuse a cessation on such terms, two other schemes were suggested. The first was the payment of a hundred thousand pounds, at the rate of five thousand marks yearly, exclusive of the twenty thousand marks already received by England; and if this should not be accepted, they declared their readiness, rather than renounce the hopes of a truce, to pay down in ten years, at the rate of ten thousand marks annually, the full sum of a hundred thousand marks, as stipulated in the first treaty regarding the ransom of the king.

The manner in which this enormous sum was to be raised became next the subject of consideration. It was determined that an annual tax, or custom, of eight thousand marks was to be levied upon the whole wool of the kingdom, and that certain faithful burgesses should be appointed to receive it in Flanders in English money; but the precaution was added, that some experienced person should attend in the weighing-house upon the part of the king, to superintend the annual payments, and watch over the interests of his master. In this manner, eight thousand marks were to be paid annually, according to the conditions of the first treaty.

In addition to this, it was enacted in the same parliament that a general annual tax should be levied, throughout the kingdom, of six pennies in the pound, upon every person, without exception. Out of this sum, two thousand marks were to be yearly appropriated to make up the

[1] Robertson's Parl. Records, p. 101.

ten thousand marks of the redemption money; and the residue was to remain in the hands of the chamberlain for the necessary expenses of the king.

The lords and barons assembled in parliament solemnly engaged to ratify and approve of any treaty of peace or truce which the plenipotentiaries who managed the negotiation might conclude with the King of England and his council, and to adhere to, and carry into effect, the above-mentioned ordinance for the payment of the ransom. They agreed, also, that they would not, secretly or openly, for themselves or for their dependants, demand the restoration of any lands which, during the time stipulated for the payment of the ransom, should happen to fall into the king's hands by ward, relief, marriage, fine, or escheat, but allow the same to remain entire, in the custody of the chamberlain, for the use of the king; and it was added, that they adopted this resolution because the non-fulfilment of these conditions might lead to an utter abrogation of the treaty already in the course of negotiation; an event which could not fail to bring both disgrace and loss upon the king, the prelates, and the nobility, and destruction upon the rest of the kingdom.

The proceedings of this important parliament concluded by an oath, taken by the prelates, lords, and commons who composed it, with their hands upon the holy gospels, that they would with their whole power pursue and put down any person whatsoever who should infringe any of the resolutions above mentioned; that they would regard such person as a public enemy, and a rebel against the crown; and, under the penalty of being themselves accounted perjured and traitorous persons, would compel him or them to the due observance of the stipulated agreement.[1] The Steward of Scotland, with his eldest son, John, lord of Kyle, afterwards Robert the Third, the Earl of Ross, and Keith, lord mareschal, were the chief of the higher barons who sat in this parliament. A pilgrimage to the shrine of St Thomas à Becket[2] detained the powerful Earls of March and Douglas in England; but the attendance of the bishops and abbots, of the minor barons and the representatives of the royal burghs, was full, and the resolutions may be regarded as a fair criterion of the feelings and wishes of the kingdom.

In consequence of these deliberations, a further negotiation took place at London between the English and Scottish commissioners, in which the heads of a new treaty of peace were debated and drawn out.[3] Of this treaty, the principal articles consisted in a proposed truce, for twenty-five years, between the two kingdoms, and an engagement, upon the part of Scotland, to pay into the English treasury a hundred thousand pounds sterling, in full of all demand for ransom, and of all penalties for non-payment at the stated period. In the meantime, until this long truce should be finally settled, a short one of four years was certainly to take place, during which the negotiations for a final peace were to proceed, and if, after the lapse of this probationary period, either country preferred war to peace, in that event, half a year's warning was to be given, previous to the commencement of hostilities, by letters under the great seal.[4] It was stipulated, also, upon the part of the King of Scotland, that, in the event of a declaration of war by Edward after the four-years' truce, all the sums already paid, during this interval of peace, were to be deducted from the sum of eighty thousand marks of ransom-money, which the king had bound himself to pay by letters under his great seal. On these conditions, Edward prorogued the

[1] Robertson's Parliamentary Records, pp. 101, 102. The original record, which has never been published, will be found in the Illustrations, letters HH. It is dated 13th January 1364.

[2] Rotuli Scotiæ, vol. i. pp. 878, 879.

[3] Rymer's Fœdera, vol. vi. p. 464.

[4] Robertson's Parliamentary Records, p. 102. The letter of David upon this projected treaty is dated at the castle of Edinburgh, 12th June 1365.

truce from the 20th of May 1365, for the space of four years,[1]—anxious to employ this interval of peace in renewed intrigues for the subjugation of the country.

In less than a month after this prorogation, a parliament was held at Perth, in the hall of the Dominican convent, in presence of the king, where the result of the latest conferences between the Scottish and English commissioners regarding an ultimate peace was anxiously debated.[2] It was attended by the Bishops of St Andrews, Dunkeld, Moray, Brechin, and Whithern, the Steward of Scotland, the Earls of Dunbar, Moray, and Douglas, John de Yle, Keith the marshal, Sir Robert Erskine, Sir Henry de Eglinton, Sir William de Haliburton, Sir Roger Mortimer, Sir David Fleming, John of Argyle, lord of Lorn, and Gillespic Campbell. In this parliament many of the nobility and lesser barons do not appear to have sat; and the circumstance of sixty-five of the principal Scottish merchants having received safe-conducts for travelling into England during the course of the preceding year,[3] may probably account for the absence of the representatives of the burghs from the same assembly. It would appear from the fragment of an ancient record of its proceedings, which is all now left us, that Edward, as one of the basis of a final peace between the two countries, had insisted that Scotland, in the event of England being invaded, should assist him with a subsidy of forty men-at-arms and sixty archers, to serve within England, and to be paid by that country. This obligation was to be binding upon Scotland for ever; or, in the event of its not being accepted by England, it was proposed, as an alternative, that David should assist Edward in his Irish war with a body of Scottish troops, who were to serve in Ireland for five years, but only for the space of three months each year. If, on the other hand, Scotland should be invaded by foreigners, an English auxiliary force of two hundred men at-arms, and three hundred archers, was promised by Edward for the assistance of his ally, to be supported by Scotland. A reference was finally made to the resolutions drawn up in the parliament, which was held at Perth in the preceding year; and it was unanimously determined that rather than renounce the hope of a lasting peace, every article contained in these resolutions should be conceded to England, provided their commissioners did not succeed in obtaining some mitigation of the conditions.[4]

The extraordinary sacrifices which the Scottish parliament were ready to consent to for the sake of peace encouraged Edward in the hope that the country was at length exhausted by its long struggle for freedom, and that its ultimate reduction under the power of England was not far distant; and the political measures which he adopted to secure this great end of his ambition were far more likely to succeed than open force or invasion. The nation had been reduced to the lowest pitch of impoverishment in every branch of public wealth; and in this condition, by the encouragement which he extended to its merchants;[5] the security and protection which were given to the vassals and labourers, who lived upon the lands in Scotland subject to himself or to his nobles, and the privileges bestowed on the religious houses which had come under his peace,[6] he contrived to make them feel, in the most lively manner, the blessings of repose as contrasted with the complicated miseries of war. The minutest methods of engaging the affections and good wishes of the people were not neglected; and the conqueror at Cressy did not disdain to grant his royal letters to a Scottish

[1] Robertson's Parliamentary Records, p. 103. 20th June 1365.

[2] Ibid. p. 104. 24th July 1365.

[3] Rotuli Scotiæ, p. 885. The safe-conducts are dated the 4th November 1364, and lasted for a year.

[4] Robertson's Parliamentary Records, p. 104.

[5] Rotuli Scotiæ, vol. i. p. 897. 16th Oct. 1365. Ibid. vol. i. p. 891.

[6] Ibid. vol. i. p. 894. 26th May 1365. Ibid. pp. 887, 906.

tile-maker, that he might improve himself in his mystery by a residence in London.[1]

It is impossible now to discover the secret practices by which he succeeded in corrupting or neutralising the patriotic principles of the higher classes of the nobility; but the fact is certain, that not only an almost uninterrupted but secret correspondence took place between the English and Scottish kings,[2] but that several of the greater barons embraced his interests; and that numbers of the knights and gentry of Scotland were detached from their country, either by entering into the service of foreign powers, by engaging in pilgrimages to England, or by permitting themselves to be seduced from their severer duties at home by the chivalrous attractions of the splendid court of Edward.

David and his queen paid repeated visits to the shrine of St Thomas of Canterbury; the powerful Earl of March repaired to England upon the same pretence;[3] John Barbour, archdeacon of Aberdeen, a name famous as the metrical historian of Bruce, obtained a safe-conduct to proceed with six knights upon a foreign pilgrimage;[4] and we may form some idea of the extent to which these religious expeditions were carried, and the important advantage they gave to Edward in crippling the power of Scotland, from the fact that, in the end of the year 1365, a band of twenty-two Scottish pilgrims, most of them knights and soldiers, having in their company a body of a hundred horsemen, left their own country upon pilgrimages to different shrines in England, Europe, and Asia.[5] Another hold of Edward over the Scottish barons was their needy circumstances, and their debts in England. David himself and his queen did not venture to come into that country without a special protection from arrest for his person and his whole establishment; and from the sums expended during their captivity, or in their ransom, and in support of the hostages, many of his barons were undoubtedly in the same situation:[6] exposed to the annoyance of an arrest if they thwarted the views of Edward, or treated with indulgence and lenity if they promoted the objects of his ambition.

At this time, the English king carried his arrogance so far as to designate Robert Bruce as the person who had pretended to be King of Scotland; nor did he deign, in his various letters of protection, to give David the royal title, calling him his dear brother and prisoner, and affecting to consider Scotland as part of his own dominions. This was not altogether a vain boast. various parts of that country, and some of its strongest castles, were in his hands, or in the occupation of his subjects; he possessed large tracts on the Marches, in Annandale, Tynedale, Teviotdale, and Liddesdale; whilst the religious houses of Kelso and Melrose, and in all probability other abbeys or monasteries, whose names do not appear, had submitted to his authority, and enjoyed his protection.[8] Yet although the secret negotiations between the two countries continued, and David and his queen, from the frequency of their visits, seemed almost to have taken up their residence in England, the spirit of the country was in no degree subdued; and about this time Edward found himself compelled to issue orders to Henry Percy, with the Barons Lucy, Clifford, Dacres, and Musgrave, to keep themselves in readi-

[1] Rotuli Scotiæ, vol. i p. 905.

[2] Ibid. vol. i. p. 896. 15th August 1365. Dillon's History of Peter the Cruel, vol. ii. p. 50.

[3] From the extreme frequency of these pilgrimages, and the abruptness with which the rage for them seems to have seized the Scots, I suspect they sometimes were political missions under the cloak of religion. The first of them is in 1357, 12th March. Rotuli Scotiæ, p. 882. In the year 1363, the Earls of March, Douglas, and Mar successively visited the shrine of St Thomas à Becket.

[4] Rotuli Scotiæ, p. 897. 16th Oct. 1365.

[5] Ibid. vol. i. p. 901.

[6] Rotuli Scotiæ, vol. i. p. 900. 18th March 1365-6. Salvi conductus, cum protectione ab arresto, pro Rege et Regina Scotiæ, et pro comite Marchiæ limina Sancti Thomæ visitaturis. See also Rotuli Scotiæ, vol. i. p. 882.

[7] Rotuli Scotiæ, vol. i. p 901. 18th March 1365-6.

[8] Ibid. vol. i. pp. 794, 875, 877, 880, 887, 896, 902, 908. Rymer's Fœdera, vol. vi. p. 504.

ness to repel a meditated invasion of the Scots.[1]

The Scottish parliament which met at Perth in the summer of the preceding year had expressed a hope that the commissioners to whom they intrusted the negotiation of a peace might succeed in obtaining some mitigation of the rigorous conditions proposed by Edward. In this expectation they were disappointed. That monarch, as was to be expected, increased in the insolence of his demands; and in an assembly of the Scottish council, which took place at the monastery of Holyrood on the 8th of May, when David was, as usual, absent in England,[2] the spirit of the nobles who remained true to their country seems to have gathered courage from despair. They announced, in the strongest possible language, that the propositions of Edward with regard to the homage, the succession, and the demembration of the kingdom could not for a moment be entertained; that they involved a submission which was altogether intolerable; and that, in the event of the probable rejection of all overtures of peace, the Scottish people, rather than consent to such degrading terms, were willing to make still greater sacrifices in order to pay off the ransom of their king. For this purpose, they declared themselves ready to submit to an additional tax upon all the lands in the kingdom, both lay and ecclesiastical. It was directed that the sheriff of each county should appoint certain days for the appearance of the richest proprietors within his jurisdiction; at which time they were to mark the precise sum which each was willing to contribute within three years towards defraying the ransom, and afterwards to collect the amount. If this were done, it was calculated that at the end of the four-years' truce the whole ransom money would be ready to be delivered to England.[3]

The Order of Council, from which these facts are extracted, is a mutilated document, and unfortunately contains no further information; but enough of it remains to evince the temper of the Scottish people; and any further attempts at negotiation only served to shew the vanity of all expectations of a final peace, and to widen the breach between England and the well-affected part of the nation. In that country preparations for war; orders to the lords marchers to put the Borders in a state of defence; to command an array of all fighting men between sixteen and sixty; and to strengthen and victual the castles and the marches,[4] succeeded to these abortive attempts at negotiation: and it seems to have been confidently expected in England that the Scots would break or renounce the truce, and attack the Border counties. Meanwhile, a parliament was convoked at Scone on the 20th of July,[5] which was fully attended by the bishops, abbots, and priors; by the high lords and lesser barons, as well as by the representatives of the royal burghs. The expenses which had been contracted by the incessant and wasteful visits of David and his queen to the court of Edward; the heavy sums due by the Scottish commissioners, who had been so long and so fruitlessly engaged in negotiations for peace; and the large balance of the ransom which still remained unpaid, formed altogether a load of debt, the payment of which became to this assembly a subject of ceaseless anxiety, and called for new sacrifices.

Three years of the short truce had expired; yet peace appeared now even more distant than before, and war and bankruptcy were fast approaching. In these circumstances, it was resolved to make a last attempt at negotiation; and to intrust its management to the same commissioners, the Bishop of St Andrews, Sir Robert Erskine, Wardlaw, archdeacon of Lothian, and Gil-

[1] Rotuli Scotiæ, p. 896. 20th Aug. 1365.

[2] Robertson's Parliamentary Records, p. 104. Rotuli Scotiæ, vol. i. pp. 900, 901.

[3] Robertson's Parliamentary Records, p. 104. The fragment of the Order of Council will be found in the Illustrations, letters II. Its date is the 8th of May 1366.

[4] Rotuli Scotiæ, 906, 908, 909, vol. i. The castles of Berwick, Lochmaben, and Roxburgh were then in the hands of Edward.

[5] Robertson's Parliamentary Records, p 105. 20th July 1366.

bert Armstrong; with directions that the articles, already drawn up in the former parliament at Perth,[1] should be the basis of their negotiation. If their efforts failed to procure a final peace, they were directed by the parliament to obtain, if possible, a prolongation of the truce for twenty-five years, on condition that Scotland should pay annually four thousand pounds in extinction of the remainder of the ransom. An exact estimate of the actual value of all the lands in the kingdom, as distinguished from that denominated the ancient extent, was appointed to be taken. In this census were included the lands belonging to the Church; the estates of the nobles and lesser barons; the property of the burghers and merchants; and even the goods of the husbandmen or labourers. From this estimate of property a special exception is made as before in favour of the "white sheep," which were to pay nothing to the general contribution; and it was directed that, on a certain day,[2] the returns should be given in at Edinburgh to the council; after which, on summing up the whole, a contribution of eight thousand marks was to be levied upon the gross rental of the kingdom, to defray the expenses of the king's visits; to pay off the debts which he had contracted in his own kingdom; and to cover the charges of the commissioners. As to the £4000 annually due as ransom money, it was agreed that, until the return of the commissioners, this should be paid out of the great custom which had been set apart for that purpose in a former parliament. After their return, it was deemed advisable by the parliament that this sum of £4000 should be taken out of the produce of the general tax upon the property of the kingdom; and that £2000 out of the same fund should be employed to relieve the king from debt, to pay his expenses, and the charges of the commissioners. This last sum was required without delay. It was, therefore, borrowed from the barons, clergy, and burgesses, in the proportions of one thousand from the first, six hundred from the second, and four hundred marks from the last order; Sir Robert Erskine, and Walter Biggar, the chamberlain, becoming surety to the burgesses that the debt should be duly paid as soon as the general tax was levied upon the property of the kingdom.

Such being the unexampled sacrifices which were cheerfully made by the nation, for the relief of the king, and the support of the crown, it was natural and just that some reciprocal favours should be granted for the protection of the people. Accordingly, at the request of the three estates, it was expressly proclaimed that justice should be administered to every subject of the realm without favour or partiality; and that whatever writs or letters had been directed from the Chancellary or other court, in the course of the prosecution of any cause, should not be liable to be recalled by the sealed writ of any other officer; but that the ministers to whom such were addressed be bound to give them full effect, and to return them endorsed to the parties. It was also solemnly stipulated that no part of the sums collected for the ransom and the expenses of the king, or of his commissioners, should be applied to any other use; that the Church should be protected in the full enjoyment of her immunities; and that all opponents to the regular levying of the tithes should be compelled to submit peaceably to their exaction, under the penalty of excommunication, and a fine of ten pounds to the king. Nothing was to be taken from the lieges for the use of the king, unless upon prompt payment; and, even when paid for, the royal officers and purveyors were directed to exact only what was due by use and custom, and not to make the necessity of the king or their own will the rule of their proceeding. The parliament resolved, in the next place, that the rebels in Argyle, Athole, Badenoch, Lochaber, and

[1] Held on the 13th January 1364.

[2] "Infra festum nativitatis beatæ virginis, proximo futurum apud Edinburgh," viz. 8th September. Robertson's Parliamentary Records, p. 105.

Ross, and all who had defied the royal authority in the northern parts of the kingdom, should be seized, and compelled to submit to the laws, and to pay their share in the general contribution; besides being otherwise punished, as appeared best for securing the peace of the community. This brief notice in the Parliamentary Record is the only account which remains of what appears to have been a serious rebellion of the northern lords, who, encouraged by the present calamities, had thrown off their allegiance, at all times precarious, and refused to pay their proportion of the contribution for the relief of the kingdom. The principal leaders in this commotion were the Earl of Ross, Hugh de Ross, John of the Isles, John of Lorn, and John de Haye, who declined to attend the parliament, and remained in stern independence upon their own estates.[1]

All sheriffs and inferior magistrates, as well within as without burgh, were commanded to obey the chamberlain and other superior authorities, under the penalty of a removal from their offices. It was directed that no barons or knights, travelling through the country with horse or attendants, should permit their followers to insist upon quarters with the inferior clergy, or the farmers and husbandmen, so as to destroy the crops and meadows and consume the grain; that they should duly pay their expenses to the inns where they baited or took up their residence; and that the chamberlain should take care that, in every burgh, such inns be erected and maintained according to the wealth of the place. No prelate, earl, baron, knight, or other person, lay or clerical, was to be permitted to ride through the country with a greater suite than became their rank; and, under pain of imprisonment, such persons were enjoined to dismiss their bodies of spearmen and archers, unless cause for the attendance of such a force was shewn to the king's officers. All remissions for offences granted by the king were declared cancelled, unless the fine was paid within the year from the date of the pardon; and it was finally directed that these regulations for the good of the state should be reduced to writing under the royal seal, and publicly proclaimed by the sheriffs in their respective counties.[2]

In consequence of the resolutions in this parliament, an attempt appears to have been made to procure a peace, which, as usual, concluded in disappointment, and only entailed additional expense upon the country.[3] It was followed by warlike indications upon the part of England. Orders were issued to the Bishop of Durham to fortify Norham, and hold himself in readiness to resist an invasion of the Scots; Gilbert Umfraville was commanded to reside upon his lands in Northumberland; an array was ordered of all fighting men between the ages of sixteen and sixty;[4] and Henry Percy was enjoined to inspect the state of the castles upon the marches, and in the Anglicised part of Scotland.

It happened, unfortunately for that country, at a time when a combination of their utmost strength was absolutely necessary, that petty feuds and jealousies again broke out amongst the Scottish nobles. During the long captivity of David, and the consequent disorganised state of his dominions, the pride and power of these feudal barons had risen to a pitch destructive of all regular subordination: they travelled through the country with the pomp and military array of sovereigns; affected the style and title of princes; and, at their pleasure, refused to attend the parliament,[5] or to contribute their share to the relief of the king and the people. If offended, they retired to their own estates and castles, where, surrounded by their vassals, they could easily bid defiance to the

[1] Robertson's Parliamentary Records, p. 105.

[2] Robertson's Parliamentary Records, pp. 105, 106. The whole record of this parliament, which has never been published, will be found in the Illustrations, letters KK.

[3] Rotuli Scotiæ, vol. i. p. 909. 8th February 1366.

[4] Ibid. vol. i. pp. 909, 910, 911.

[5] Robertson's Parliamentary Records, p. 106.

authority of the laws; or they retreated into England, to occupy their time in tournaments, visiting holy shrines, or travelling, with an array of knights and squires, to various parts of Europe, where they lavishly wasted, in the service of foreign powers, the blood and treasures which ought to have been spent in securing the independence of their country.[1] Of this idle and unworthy conduct of the Scottish nobility, the rolls of the Tower furnish us with repeated examples. The Earl of Douglas, one of the most powerful subjects in Scotland, along with the Earl of March, who held the keys of the kingdom on the Borders, and the Earl of Ross, a baron of formidable strength in the north, proudly absented themselves from Parliament; and soon after, Douglas, with a retinue of four-and-twenty horse, obtained a safe-conduct from Edward to travel into England, and beyond seas; whilst his example in deserting his country was imitated by a body of thirteen Scottish clerks and barons, attended by a body of seventy-five horse.[2] In the battle of Nagera in Spain, fought, a short time before this, between Edward the Black Prince and Peter the Cruel, against Henry of Transtamarre, many Scots were in the army of Henry; and we have already seen that, some time before the same period, there appear to have been frequent emigrations of Scottish adventurers to join the Teutonic knights in Prussia.[3]

These, however, were not the only distressing consequences attendant on the long captivity of the king. The patrimony of the crown had been seriously dilapidated during the period of confusion which, notwithstanding all the efforts of the Steward, succeeded the battle of Durham. It was no longer what it had once been. Its rents and customs; its duties and its fines; its perquisites and privileges, had been gradually disused, or silently encroached upon; and in some instances its lands had probably been seized, or made the subject of sale or gift: so that, from the actual want of funds, the king found it difficult to live in Scotland, or to support, as it became him, the expenses of his royal establishment, without a constant and oppressive taxation; and this, perhaps, is the best excuse, although an insufficient one, for his frequent visits to England, and long residences in that country. As far back as 1362, we find that David's first queen had been under the necessity of pawning her jewels for debt; and, only four years after, her royal consort was compelled to adopt the same painful expedient.[4]

This defalcation in the royal revenue amounted at length to a serious grievance; and a parliament was summoned at Scone, on the 27th of September 1367,[5] for the purpose of taking the subject into consideration. It was determined that, to defray the expenses of the royal establishment, and to enable the king to live without oppressing the people, the patrimony of the crown must be restored to the condition in which it stood in the time of Robert Bruce and Alexander the Third; and that all the rents, duties, customs, perquisites and emoluments which, having accrued to it in the interval between the death of these monarchs and the present day, had been grievously dilapidated, should be reclaimed. It was declared, with that short-sighted and sweeping spirit of legislation which marked a rude age, and a contempt of the rights of third parties, that if these rents or duties belonging to the crown had been disposed of; or, under certain conditions, entirely abolished; or, if the crown lands had been let, either by the king or his chamberlain; still, such was the urgency of the case, that everything was, by the speediest possible process, to be restored to it, as if no such transaction had ever taken place: all such leases, gifts, or private contracts, were pronounced null and void, and the

[1] Rotuli Scotiæ, vol. i. p. 924. 16th October 1368.

[2] Ibid. vol. i. pp. 915, 916. 16th and 26th October 1367.

[3] Dillon's History of Peter the Cruel, vol. ii. p. 50.

[4] Compotum Camerarii Scotiæ, pp. 395, 464.

[5] Robertson's Parliamentary Records, p. 108. 27th September 1367. The record of this parliament will be found printed in the Illustrations, letter LL.

whole patrimony was to be restored, with its ancient privileges, into the hands of the king. All lands in ward, all the feudal casualties, due upon the marriage of crown vassals, with the fines or perquisites of courts, were to remain in the hands of the chamberlain for the king's use; and if the sovereign was anxious to promote or reward any individual, this was directed to be done out of the movable property of the crown, and with the advice of the privy council. All deeds or charters, by which such dilapidations of the property of the crown had been made, either in the time of Robert Bruce, or of the present king, were ordered by the parliament to be delivered into the exchequer at Perth, to remain in the hands of the chancellor and the chamberlain; and any such deeds not so delivered upon the appointed day were abrogated, and declared to be of no force or effect in all time coming.[1]

In the same parliament, a wise regulation was introduced with regard to those lands, which, as has been already mentioned, were at this time in the hands of the enemy. It was declared that, as several large districts in the different counties of the kingdom had long been, and still were, "under the peace" of the King of England, in which there were estates holding of the king, and whose heirs had remained in Scotland his faithful subjects, it was deemed expedient by the parliament, as soon as all regular forms had been complied with, and such persons found by a jury to be the true heirs, that they should receive *letters of sasine* addressed to the sheriffs of the counties where the lands lay, which officers were commanded to give sasine to the true proprietors in their respective courts. This legal ceremony was pronounced to be as valid as if the feudal solemnity had taken place upon the lands themselves; nor was their possession by the enemy, for however long a period, to operate to the prejudice of their true proprietors.[2]

Still clinging eagerly to the hopes of peace, and well aware, from experience, of the evils of a protracted war, the parliament recommended a renewal of the negotiations on this subject, and empowered the king and his privy council to choose commissioners, and to impose a tax for the payment of their expenses, without the necessity of calling a new parliament, and obtaining its sanction to their proceedings.[3] The greater the anxiety, however, which was manifested by the Scots, the less likely was Edward to listen to their representations, or to indulge them, so long as they asserted their independence, with any hopes of a permanent peace. Two attempts at negotiation, which were made within the space of a few months, by the same commissioners who had hitherto been so unsuccessful in all their diplomatic undertakings, ended in new and more intolerable demands upon the part of Edward, and a determined refusal by the Scottish parliament to entertain them.[4] This, however, did not prevent the king and his consort from setting out on their usual visit to England. With a retinue of a hundred knights, and a numerous body of attendants, they travelled to the shrine of St Thomas of Canterbury; and, in this foolish parade of pleasure and devotion, incurred a deeper load of debt, at the very time that their poverty had become the subject of parliamentary inquiry, and when they could not venture to visit the English court without a royal protection from arrest. The sums thus idly thrown away, on their return had to be wrung out of the hard-earned profits of the commercial and labouring classes of the community, in a country already impoverished by a long war; and it is difficult to find terms sufficiently strong to reprobate such unworthy conduct upon the part of a sovereign who already owed so much to his people.

The state of Scotland, and the relations between that country and Eng-

[1] Robertson's Parl. Records, p. 108.
[2] Ibid. p. 109
[3] Robertson's Parl. Records, p. 109.
[4] Rotuli Scotiæ, vol. i. p. 916, 28th Oct. 1367; and p. 917, 22d Jan. 1367-8. Robertson's Parliamentary Records, p. 112.

land, at the present period, were of a singular kind. There was a constant amicable correspondence between the merchants of both countries; and a commercial intercourse of unexampled activity, especially upon the part of Scotland, encouraged and protected by Edward; pilgrimages to holy shrines, emigrations of Scottish students, with almost perpetual negotiations regarding a final peace, appeared to indicate the utmost anxiety to preserve the truce, and an earnest desire that the amity should continue. But much of this was hollow. Orders to the English wardens to strengthen the castles on the marches; to summon the vassals who were bound to give suit and service; to call out the array of all able to bear arms; and repeated commands to the lords marchers to be ready to repel the enemy at a moment's warning, occurred in the midst of these pacific and commercial regulations, and gave ample proof that a spirit of determined hostility still lurked under the fairest appearances. Yet Edward, from the calamitous circumstances in which the country was placed, had a strong hold over Scotland. The king's extreme unpopularity with the people, the load of personal debt contracted by himself and his queen, and the constant irritation and jealousy with which he continued to regard the High Steward, whom he had imprisoned,[1] rendered any lengthened residence in his own dominions unpleasant; and in this manner not only did the breach between the sovereign and the barons who supported the cause of independence become every day wider, but David's anxiety to reside in England, and his unnatural desire to favour the intrigues of Edward, grew into a confirmed passion, which threatened the most fatal effects.

The nation had already been weighed down by a load of taxation which it was little able to bear; some of the strongest castles and most extensive districts on the marches were possessed by English soldiers; the northern parts of the kingdom were in actual rebellion; many of the islands in the western seas were occupied and garrisoned by the English;[2] and Edward possessed the power of cutting off the only source of Scottish wealth, by prohibiting the commercial intercourse between the two countries. We are not to wonder, then, at the sanguine hopes which this able monarch appears to have entertained of finally completing the reduction of Scotland, but rather to admire the unshaken perseverance with which, under every disadvantage, this country continued to resist, and finally to defeat, his efforts.

In a parliament held at Scone in the summer of the year 1368,[3] whose spirited rejection of the conditions of subjection and dependence proposed by Edward has been already alluded to, the rebellion of the northern parts of the kingdom, and the most effectual methods of reducing these wild districts to obedience, were anxiously considered. John of the Isles, one of the most powerful of the refractory chiefs, had married a daughter of the Steward of Scotland,[4] who was considered, therefore, as in some measure responsible for his son-in-law; and David, probably not unwilling to implicate this high officer as a disturber of the peace of the kingdom, addressed him in person, and charged him, with his sons the Lords of Kyle and Menteith, to defend his subjects within the territories over which their authority extended. It was his duty, he said, to put down the rebellion which had arisen, that in the event of war the estates of the kingdom might there have a safe place of retreat; an allusion strongly descriptive of the desperate conjuncture to which the affairs of the country were reduced.[5] John of the Isles, Gillespic Campbell, and

[1] Fordun a Goodal, vol. ii. p. 380. Chamberlains' Accounts, vol. i. p. 498. From these curious and authentic documents we learn that the expenses of the Steward's maintenance in prison for three weeks were 5 lb. 13 sh., and of his son Alexander, 21 sh. Ibid. p. 524.

[2] Robertson's Parl. Records, p. 116.

[3] Ibid. p. 112.

[4] Ibid. p. 115.

[5] Ibid. p. 112.

John of Lorn, were at the same time commanded to present themselves before the king, and to give security for their future pacific conduct, so that they and their vassals should no longer alarm and plunder the land; but, with their equals and neighbours, submit to the labours and the burdens imposed upon them by the laws.

There is something striking and melancholy in the tone of this parliament, where mention is made of the feuds amongst the nobility; and a hopelessness of relief appears in the expressions employed, evincing how far above the reach of parliamentary remonstrance or command these petty sovereigns had raised themselves. They were addressed in the language of advice and entreaty, not of command; the absolute necessity of providing for the defence of the kingdom was insisted on; and they were earnestly and somewhat quaintly admonished to compose their feuds and dissensions, or at least to satisfy themselves by disquieting each other in the common way of a process at law. The king was recommended to hold a council with the Earls of March and Douglas, the wardens of the east marches; although, it was added, these barons seemed little disposed to labour for the common weal. The chamberlain, assisted by a committee of four knights of soldierly talent and experience, was directed to visit, in the first place, the royal castles of Lochleven, Edinburgh, Stirling, and Dumbarton, and to give orders for their being completely repaired, garrisoned, victualled, and provided with warlike engines and other necessaries for defence; after which, the remaining castles in the kingdom were to be carefully surveyed, and put into a state of effectual resistance.[1]

But the strength and activity in the royal authority which was requisite to carry these wise regulations into effect were at this time pre-eminently wanting in Scotland; and, nine months after this, when the great council of the nation again assembled,[2] the rebellion in the north was still only partially extinguished. John of Lorn and Gillespic Campbell had indeed submitted, and again made their appearance among the higher nobility; whilst the Earls of Mar and of Ross, with other northern barons, alarmed at last by a sense of the public danger, joined in the deliberations for the national security, and engaged, within their territories, to administer justice, put down oppression, and assist the royal officers to the utmost of their power and ability. The Steward of Scotland, also, who attended the parliament in person with his two sons, came under the same obligation for the divisions of Athole, Strathern, Menteith, and other lands in the northern parts of the kingdom; but John of the Isles haughtily refused to submit; and, in the wild and inaccessible domains over which his authority extended, defied the royal power, and insisted that his islanders were not bound to contribute their portion to the public burdens.

The truce was now within a single year of its expiry; and many districts of the country, by the ravages of Border war, and long neglect of culture, were unable to pay the contributions, upon which its continuance could alone be secured. To prevent the misery of a famine in some places, Edward permitted the distressed inhabitants to purchase the common necessaries of life in England; and, to such a height had the dearth proceeded, that it was found necessary to import from that country, under a royal licence, the most ordinary supplies which were required for the use of David's household.[3] Yet, in the midst of this unexampled distress, it was resolved by parliament to make a last effort to discharge the remaining sum of the ransom, by imposing a tax of three pennies in the pound, to be levied generally over the kingdom; and, at the same time the Bishop of Glasgow and Sir Robert Erskine were

[1] Robertson's Parliamentary Records, pp. 112, 113. The record of this parliament, which met at Scone on the 12th June 1368, will be found in the Illustrations, letters MM.

[2] Robertson's Parliamentary Records, p. 113. 6th March 1368.

[3] Rotuli Scotiæ, vol. i. pp. 924, 930.

despatched upon a mission to England, for the purpose of negotiating a prorogation of the truce.[1]

It was at this moment, when Scotland seemed to be rapidly sinking under her accumulated distresses, that one of those events which are sent by God to alter the destiny of nations, again inspired life and hope into the country. Edward, irritated at the contempt evinced by Charles the Fifth for the treaty of Bretigny, again plunged into a war with France, in which the successes of Du Guesclin soon convinced him that a concentration of his whole strength would be absolutely required to restore his affairs on the continent to anything like their former prosperity. Peace to him became now as necessary as to the Scots; and the imperiousness of his demands experienced an immediate relaxation. There was now no longer any mention of those degrading terms of subjection and dismemberment which had been so indignantly repelled by the Scottish parliament; and the English monarch at last consented to a treaty, by which the truce between the kingdoms was renewed for the space of fourteen years.[2] Fifty-six thousand marks of the king's ransom remained still unpaid; and it was agreed that the country should annually transmit to England the sum of four thousand marks till the whole was defrayed. As to the estates in the county of Roxburgh, then in possession of English subjects, and whose inhabitants had come under the peace of the English king, it was agreed that one-half of their rents should be received by the Scottish proprietors, who had been dispossessed by the superior power of England; while the lands, with their tenantry, were to remain in the same state of fealty to Edward and his heirs in which they now were, and to be governed by the advice and consent of a council of English and Scottish subjects.[3]

Some time before affairs took this favourable turn, the condition of the northern districts, and the conduct of John of the Isles, again called for the interference of government. The Steward had engaged to reduce the disaffected districts; but, either from want of power or inclination, had failed in his attempt; and David, incensed at the continued refusal of the Islands to contribute their share in the general taxation, and assuming an unwonted energy, commanded the attendance of the Steward, with the prelates and barons of the realm; and surrounded by a formidable force, proceeded against the rebels in person. The expedition was completely successful. The rebel prince, John of the Isles, with a numerous train of those wild Highland chieftains who followed his banner, and had supported him in his attempt to throw off his dependence, met the king at Inverness, and submitted to his authority. He engaged for himself and his vassals that they should become faithful subjects to David, their liege lord; and not only give obedience to the ministers and officers of the king in suit and service, as well as in the payment of taxes and public burdens, but that they would put down all others, of whatever rank, who dared to resist the royal authority, and would either compel them to submit, or would pursue and banish them from their territories. For the fulfilment of this obligation, the Lord of the Isles not only gave his oath, under the penalty of forfeiting his whole principality if it was broken, but offered the High Steward, his father-in-law, as his security; and delivered his son Donald, his grandson Angus, and his natural son, also named Donald, as hostages for the performance of the articles of the treaty.[4]

[1] Robertson's Parl. Records, p. 114. Rotuli Scotiæ, vol. i. p. 928. 6th April 1369.

[2] Robertson's Parl. Records, p. 116. From Feb. 2 to Aug. 24. or Purification of the Virgin, 1369; and from that date for fourteen years.

[3] Ibid. p. 116. The letter of the prelates and barons of Scotland containing the condition of the truce is not dated; but it seems to have been written a few days before the 1st of August 1369. See Rotuli Scotiæ, vol. i. p. 934.

[4] Robertson's Parl. Records, p. 115. The submission of John of the Isles, dated the 15th of November 1369, will be found printed in the Illustrations, letters NN.

It is stated by an ancient historian, that in reducing within the pale of regular government the wild Scots and the islanders, who had long resisted all authority, David employed artifice, as well as force, by holding out high premiums to all those who succeeded either in slaying or making captive their brother chiefs. In a short time, the expectation of reward and the thirst for power implanted the seeds of disunion amongst these rebel chiefs, and they gradually wrought out their own destruction; so that, the leaders of the rebellion being cut off, their dominions were easily reduced into a state of quiet and subjection.[1]

Soon after the king's return from an expedition which he had undertaken in the depth of winter, and conducted with great ability and success, a parliament was assembled at Perth for the purpose of taking into consideration the state of the kingdom, the expenses of the royal household, and the administration of justice. In the parliament which had been held at Scone in the preceding year,[2] an expedient had been adopted, apparently for the first time, by which part of the community of estates were allowed to absent themselves, after they had chosen certain persons amongst the prelates and barons, who might deliver judgment in the pleas of law, and consult upon the general business of the nation. In this parliament the same measure was repeated with greater formality and distinctness. A committee, consisting of six of the clergy, amongst whom were the Bishop of Brechin, the Chancellor, and the Chamberlain John de Carrie, fourteen of the barons, and seven of the burgesses, was appointed to deliberate, and gave their judgment, upon all such judicial questions and complaints as necessarily came before the parliament. To a second committee, including in its numbers the clergy and the barons alone, was intrusted the management of some special and secret matters regarding the king and the nation, which it was not deemed expedient, in the first instance, to communicate to the parliament at large. This was a dangerous and somewhat despotic innovation upon the freedom of the great council of the nation; and had the change been introduced earlier in the present reign it would have placed an instrument in the hands of the king, and the corrupted part of the nobility, which might have been directed with fatal success against the independence of the country. This second committee consisted of six of the clergy and eleven of the barons, with such other members as the king chose to select; and it was ordained that no person whatever, however high his rank, should be permitted to introduce into the council of parliament, or the privy council, any member as his adviser or assessor, unless such as had been chosen by the general vote of the parliament.

The necessity of this secrecy as to the affairs which came before the committee intrusted with the consideration of the king's debts was soon apparent; and the object of excluding the representatives of the royal burghs could not be mistaken. It was declared that all the debts of the king, throughout the realm, which had been contracted up to the period of the Exchequer Court, held at Perth, at the Epiphany, in the year 1368, were remitted and cancelled; that from this date, whatever was borrowed for the ransom or the royal expenses should be promptly paid, and that no customs should be levied by the king's officers for the aid of the crown but according to the ancient and established practice of the realm. In this manner, by the very first public act of this partial and unconstitutional committee, were the great principles of good faith wantonly sacrificed; and the rights of the mercantile classes, who had advanced their money or sold their goods for the royal use, trampled upon and outraged by an act which was as mean as it was unjust.

In the next place, an attempt was made, in consequence of the northern

[1] Fordun a Goodal, vol. ii. p. 380.
[2] Robertson's Parliamentary Records, p. 113.

parts of the kingdom having been reduced, under the king's authority, to equalise the taxation over the whole country. To pacify the dangerous murmurs of the Lowland districts, which produced wool, and paid on every sack a heavy tax to the crown, it was determined that in those upper counties where this tax was not collected sheep not having been introduced,[1] but which abounded in agricultural produce, the chamberlain should either levy an annual tax upon the crops and farm-stocking, for support of the king's household, or that the king, at certain seasons, should remove his court to these Highland districts, and, during his residence there, assess them for his support. The extensive estates, or rather dominions, of John of Lorn, John of the Isles, and Gillespic Campbell, with the territories of Kantire, Knapdale, and Arran, were the lands where the new regulation was enforced.

It was ordained in the same parliament that no native subject or foreigner, of whatever rank he might be, should export money, either of gold or silver, out of the country, always excepting such sums as were necessary for the travelling expenses of those who had been permitted to leave the realm, unless he paid forty pennies upon every pound to the exchequer; and with regard to those who made a trade of purchasing horses, cows, or other animals for exportation, they were commanded to pay a duty of forty pence upon every pound of the price of the horse, and twelve pence upon the price of all other animals. In the event of any contravention of the regulations as to the export of the coin, the delinquent was to be fined twenty shillings upon every penny of the duty which he had eluded; a strict investigation was ordained to be made of all such offenders, in order that the quantity of coin carried out of the kingdom might be accurately determined; and they were directed to be tried by indictment before the Justiciar.

As grievous complaints had proceeded from every county in the kingdom against the extortion of the mairs, sergeants, and other officers of the crown, and such accusations had even been made to the king in person, it was judged expedient to adopt some decided measures against this evil. Accordingly, orders were given to the justiciars and chamberlains, in their several counties, to cause all persons who, since the period of the king's captivity, had enjoyed these offices, to appear before them on a certain day, previous to the conclusion of the present parliament, when an investigation was to be made, before the three estates, of the exact amount of the loss which the king had sustained by their malversation. All who were in this manner detected were ordered to be imprisoned, and to lose their offices for the whole period of their lives.[2] The justiciars, sheriffs, and other inferior judges were strictly commanded not to give execution to any mandate under any seal whatever, not excepting the great or the privy seal, if such mandate were contrary to the law of the realm; and the merchants and burgesses were enjoined not to leave the kingdom without licence from the king or the chamberlain.

Such were the only important regulations which were passed in this parliament, the last held by David the Second.[3] The same year was rendered remarkable by the divorce of the queen; an incident of which the private history is involved in much obscurity. She was beautiful, and apparently fond of admiration. The little we know of her private life proves her to have been expensive, and addicted to costly pilgrimages, in which she was accompanied with a retinue of knights and attendants; expeditions, in those times, sometimes undertaken for the purposes of pleasure rather than devo-

[1] Robertson's Parliamentary Records, pp. 109, 113. The exemption in favour of "white sheep" in the taxation by the parliament of 20th July 1366 (Robertson's Parliamentary Records, p. 105,) was intended, probably, as an encouragement to the introduction of a new breed.

[2] Robertson's Parliamentary Records, pp. 117, 118.

[3] 18th February 1369.

tion. She appears, also, to have been ambitious to interfere in the public affairs of the kingdom; and we have seen that, not long before this, her influence persuaded the king to cast the Steward and his sons into prison. Nothing, however, can be more dark or unsatisfactory than the only notice of this singular event which remains to us; and, unfortunately, the public records throw no light upon the transaction. The sentence of divorce was pronounced in Lent; but the queen, collecting all her wealth, found means to convey herself and her treasure, with great privacy, on board a vessel in the Forth, in which she sailed for France; and carried her appeal in person to the Papal Court then at Avignon. She there obtained a favourable hearing; nor was the king, who sent his envoys for the purpose to the court of the Pope, able to counteract the impression in her favour. The cause disturbed the kingdom; and was so bitterly contested, that an interdict began to be threatened; when the fair appellant died herself, on her journey to Rome.[1] What became of the process, or what judgment was ultimately pronounced, cannot now be discovered; but, so late as the year 1374, Robert the Second considered the cause of such moment that he despatched an embassy to Charles the Fifth of France, soliciting that prince to use his influence with the Pope and cardinals to obtain a judgment.[2]

Immediately after the divorce, the High Steward and his sons were liberated from prison, and restored to favour; while the king, whose life had been devoted to pleasure, began to think of his sins, and, in the spirit of the age, to meditate an expedition to the Holy Land. For this purpose, he assembled at his court the bravest knights of his time, declaring it to be his intention to appoint a regency, and depart for Palestine, with the purpose of spending the remainder of his life in war against the infidels. But, in the midst of these dreams of chivalrous devotion a mortal illness seized upon him, which baffled all human skill; and he died in the castle of Edinburgh, on the 22d of February 1370, in the forty-seventh year of his age, and the forty-first of his reign.

It is painful to dwell on the character of this prince, who was, in every respect, unworthy of his illustrious father. It happened, indeed, unfortunately for him, that he was promoted to the throne when almost an infant; and not only lost the advantage of paternal instruction and example, but, by the early death of Douglas and Randolph, was deprived of the only persons who might have supplied the want; whilst his long exile in France, and a captivity of eleven years, rendered him almost a stranger to his people. Had there, however, been anything great or excellent in David Bruce, he would have surmounted these disadvantages: yet we look in vain for a noble, or even a commendable, quality, whilst the darker parts of his disposition are prominently marked. He was uniformly actuated by a regard to his own selfish pleasures, and a reckless forgetfulness of all those sacred and important duties which a king owes to his people. His understanding was one of limited and moderate power; and, while he formed his opinions upon hasty and superficial views, he was both obstinate in adhering to them when evidently erroneous, and capricious in abandoning them before they were proved to be ill-founded. The battle of Durham, his captivity, and the long train of calamities which it entailed upon the nation till the conclusion of his reign, were the fruits of his obstinacy: the inconsistent wavering and contradictory line of policy, which is so strikingly discernible in his mode of government after his return, was the effect of his passion and caprice. Personal courage he undoubtedly possessed. It was the solitary

[1] Fordun a Goodal, vol. ii. p. 380.

[2] Robertson's Index to the Charters, p. 100, No. 4. When at Avignon, Margaret Logy borrowed 500 marks from three English merchants, one of whom was William of Walworth: in all probability the same person who afterwards became Mayor of London, and stabbed Wat Tyler. Fœdera, vol. vi. p. 727. She is mentioned as the quondam Queen of Scotland in the Chamberlains' Accounts, vol. i. p. 521.

quality which he inherited from his father; and of this he gave a memorable proof, in his proposal to alter the order of succession in favour of an English prince,—a measure of singular baseness and audacity.

It is this that forms the darkest blot upon his memory. His love of pleasure, and devotion to beauty, will find an excuse in many hearts; his extravagance some may call kingly, even when supported by borrowed money: but it can never be palliated or forgotten that he was ready to sacrifice the independence of the kingdom to the love of his personal liberty, and his animosity against the Steward; that the most solemn oaths, by which he was bound to his people, were lightly regarded, when brought in competition with these selfish and sordid passions. Such a monarch as this, who, at the mature age of forty-seven, evinced no real symptoms of amendment, was little likely to improve in his latter years; and it is humiliating to think that the early death of the only son of Robert the Bruce must have been regarded as a blessing, rather than a calamity, by his country.

AN HISTORICAL INQUIRY

INTO

THE ANCIENT STATE OF SCOTLAND

EMBRACING PRINCIPALLY THE PERIOD

FROM THE ACCESSION OF ALEXANDER THE THIRD
TO THE DEATH OF DAVID THE SECOND.

HAVING brought this work down to the great era of the accession of the house of Stewart, in the occupation of the throne by Robert the Second, I propose to pause for a short time, in order to cast our eye over the wide field through which we have travelled, and to mark, as fully as our imperfect materials will permit, the progress of the nation in some of those great subjects which form the body of its civil history. The general features and appearance of the country; its agriculture, commerce, and manufactures; the manners and amusements, the superstitions and character of the people; the system of feudal government under which they lived; their progress in the arts, which add comfort, or security, or ornament to life; the character of their literature,—are subjects upon which our curiosity is naturally active and eager for information; but it is unfortunate that the writers who can alone be considered as authentic have regarded such investigations as either uninteresting, or beneath the dignity of the works in which they had engaged. Some lights, however, are to be found scattered through their works, or reflected from the public muniments and records of the times; and it is to the guidance of these alone, however feeble and imperfect, that the historian can commit himself.

It must necessarily happen that, in an attempt of this kind, owing to the

paucity of materials, and to the extreme remoteness of the period, anything like a full account of the country is unattainable; and that it is exceedingly difficult to throw together, under any system of lucid arrangement, the insulated facts which have been collected. I have adopted that order which appears the most natural.

SECTION I.

GENERAL APPEARANCE OF THE COUNTRY.

We must be careful not to permit the ideas which are derived from the condition of Scotland in the present day to influence our conclusions as to its appearance in those rude and early ages of which we have been writing. No two pictures could be more dissimilar than Scotland in the thirteenth and fourteenth, and Scotland in the nineteenth century. The mountains, indeed, and the rivers are stern and indomitable features of nature, upon which the hand of man can work but feeble alterations; yet, with this exception, everything was different. The face of the country was covered by immense forests, chiefly of oak, in the midst of which, upon the precipitous banks of rivers, or on rocks which formed a natural fortification, and were deemed impregnable to the military art of that period, were placed the castles of the feudal barons. One principal source of the wealth of the proprietors of these extensive forests consisted in the timber which they contained, and the deer and other animals of the chase with which they abounded. When Edward I. subdued and overran the country, we find him in the practice of repaying the services of those who submitted to his authority, by presents of so many stags and oaks from the forests which he found in possession of the crown. Thus, on the 18th of August 1291, the king directed the keeper of the forest of Selkirk to deliver thirty stags to the Archbishop of St Andrews; twenty stags and sixty oaks to the Bishop of Glasgow; ten to the High Steward; and six to Brother Bryan, Preceptor of the Order of Knights Templars in Scotland.[1]

To mark the names, or define the exact limits of these huge woods, is now impossible; yet, from the public records, and the incidental notices of authentic historians, a few scattered facts may be collected.

In the north, we find the forest of Spey,[2] extending along the banks of that majestic river; the forests of Alnete, and of Tarnaway, of Awne, Kilblene, Langmorgan, and of Elgin, Forres, Lochendorb, and Inverness.[3] The extensive county of Aberdeen appears to have been covered with wood. We meet there with the forests of Kintore, of Cardenache, Drum or Drome, Stocket, Killanell, Sanquhar, Tulloch, Gasgow, Darrus, Collyn, and what is called the New Forest of Innerpeffer.[4] In Banff was the forest of Boyne; in Kincardine and Forfar the forests of Alyth, Drymie, and Plater;[5] in Fife, those of Cardenie and Uweth;[6] in Ayrshire, the forest of Senecastre;[7] in the Lowlands, those of Drumselch,[8] near Edinburgh; of Jedburgh and Selkirk, Cottenshope, Maldesley,[9] Ettrick, and Peebles; of Dolar, Traquhair, and Melrose.[10]

The counties of Stirling and Clackmannan contained extensive royal forests, in which, by a grant from

[1] Rotuli Scotiæ, vol. i. pp. 4, 5. 18th Aug. 1291.

[2] Ibid. vol. i. p. 5. Anno 1291, m. 11.

[3] Ibid. p. 9. Robertson's Index to the Charters, pp. 32, 35, 42. Rolls of Parliament, ii. 469, quoted in Caledonia, vol. i. p. 792. Fordun a Hearne, p. 1027.

[4] Robertson, pp. 23, 33, 38, 58, 71, 72; also Rotuli Scotiæ, in anno 1292, p. 10. Chamberlains' Accounts. Compot. Vicecomitatis Aberdein, p. 298.

[5] Robertson's Index, pp. 39, 55, 67; and Rotuli Scotiæ, p. 8.

[6] Robertson, p. 47. Cartulary Dunferm. f. 12 and 20.

[7] Cartulary of Paisley, p. 46, in Caledonia, vol. i. p. 793.

[8] Caledonia, vol. i. p. 793.

[9] Chamberlains' Accounts. Rotuli Comp. Temp. Custod. Regni, p. 62.

[10] Rotuli Scotiæ, in anno 1296, vol. i. p. 33. Ibid. pp. 5, 278, 380. Ibid. p. 748. Cartulary of Dunferm. p. 10. Rotuli Scotiæ, p. 7; and Fordun, p. 1048. Robertson, p. 81. Chron. Melrose, ad anno 1184, quoted in Dalzel's Fragments, p. 32. Cartulary of Kelso, p. 323 Caledonia, p. 798.

David I., the monks of Holyrood had the right of cutting wood for building and other purposes, and of pasture for their swine.[1] In the reign of the same king, a forest covered the district between the Leader and the Gala; and in Perthshire, occupied the lands between Scone and Cargil.[2] Tracts which, in the present day, are stretched out into an interminable extent of desolate moor, or occupied by endless miles of barren peat-hags, were, in those early ages, covered by forests of oak, ash, beech, and other hard timber. Huge knotted trunks of black oak, the remains of these primitive woods, have been, and are still, discovered in almost every moor in Scotland. Such, indeed, was, at an early period, the extent and impervious nature of these woods, that the English, in their invasions, endeavoured to clear the country by fire and by the hatchet; and Knighton relates that in an expedition of the Duke of Lancaster into this country, in the reign of Richard the Second, this prince, having recourse to these methods, employed in the work of destruction so immense a multitude, that the stroke of eighty thousand hatchets might be heard resounding through the forests, whilst the fire was blazing and consuming them at the same moment.[3] So erroneous is the opinion of a conjectural historian, who pronounces that there is little reason to think that in any age, of which an accurate remembrance is preserved, this kingdom was ever more woody than it is now.[4]

In the times of which we write, however, many districts in the midst of these forests had been cleared of the wood, and brought under cultivation. Thus, in the forest of Plater, in the county of Forfar, David the Second, in 1366, made a grant of four oxgangs of arable land for a reddendo of a pair of white gloves, or two silver pennies, to Murdoch del Rhynd.[5] In the same forest, the monks of Restennet, at the death of Alexander the Third, enjoyed the tenth of the hay made in its meadows,[6] and in 1362, the king permitted John Hay of Tullyboll to bring into cultivation, and appropriate, the whole district lying between the river Spey and the burn of Tynot, in the forest of Awne.[7] From these facts it may be inferred that the same process of clearing away the wood, and reducing large districts of the forests into fields and meadow lands, had been generally pursued throughout the country.[8] It was a work, in some measure, both of peril and necessity; for savage animals abounded as much in Scotland as in the other uncleared and wooded regions of northern Europe; and the bear, the wolf, the wild boar, and the bison, to the husbandmen and cultivators of those rude ages, must have been enemies of a destructive and formidable nature.[9]

Another striking feature in the aspect of the country during those early ages was formed by the marshes or fens. Where the mountains sunk down into the plain, and the country stretched itself into a level, mossy fens of great extent occupied those fertile and beautiful districts which are now drained and brought under cultivation.[10] Within the inaccessible windings of these morasses, which were intersected by roads known only to the inhabitants, Wallace and Bruce, during the long war of liberty, frequently defended themselves, and defied the heavy-armed English cavalry; and it is said that from lying out amidst these damp and unhealthy exhalations Bruce caught the disease of which he died.[11]

[1] Caledonia, vol. i. p. 792.

[2] Cart. Melrose, p. 104. Cart. of Scone, p. 16. Where I quote manuscript Cartularies, the reader will find the originals in the Library of the Faculty of Advocates, Edinburgh, unless some other collection is mentioned.

[3] Knighton apud Twysden, vol. ii. p. 2674. Barbour's Bruce, p. 323.

[4] Wallace on the Nature and Descent of Peerages, p. 35.

[5] Robertson's Index, p. 81.

[6] MS. Monast. Scotiæ, p. 31, quoted in Caledonia, vol. i. p. 798.

[7] Robertson's Index, p. 71.

[8] Chamberlains' Accounts. Kotuli Compot. Temp. Cust. Regni, p. 63.

[9] Dalyel's Desultory Reflections on the State of Ancient Scotland, pp. 32, 33.

[10] Triveti Annales, p. 316.

[11] Palgrave's Parliamentary Writs, Chronological Abstract, p. 76. Walsingham, p. 73 Barbour, pp. 110, 151. Trivet, 346.

The royal castles must have presented an additional and imposing feature in the external appearance of the country at this period. Built chiefly for strength and resistance during a time of war, these fortresses were the great garrisons of the country, and reared their immense walls and formidable towers and buttresses in those situations which nature had herself fortified, and where little was to be done by man but to avail himself of the power already placed in his hand. In the year 1292, when Edward, after his judgment in favour of Baliol, gave directions to his English captains to deliver the royal castles into the hands of the new king, we find these to have been twenty-three in number. On the borders were the castles of Jedburgh, Roxburgh, and Berwick; those of Dumfries, Kirkcudbright, Wigtown, Ayr, Tarbet,[1] Dumbarton, and Stirling, formed a semicircle of fortresses which commanded the important districts of Annandale, Galloway, Carrick, Kyle, Lanark, and the country round Stirling, containing the passes into the Highlands. Between Stirling, Perth, and the Tay there was no royal castle, till we reach Dundee, where Brian Fitz-Alan commanded; after which the castles of Forfar, Kincardine, and Aberdeen, protected and kept under the counties of Perth, Angus, Kincardine, and Aberdeen; and travelling still further north, we find the castles of Cromarty or Crumbarthyn, Dingwall, Inverness, Nairn, Forres, Elgin, and Banff, which, when well garrisoned, were deemed sufficient to maintain the royal authority in those remote and unsettled districts.[2]

Such were the royal castles of Scotland previous to the war of liberty; but it was the policy of Bruce, as we have seen, to raze the fortresses of the kingdom, wherever they fell under his power; whilst, on the other hand, Edward, in his various campaigns, found it necessary to follow the same plan which had been so successful in Wales, and either to construct additional fortresses, for the purpose of overawing the country, or to strengthen by new fortifications such baronial castles as he imagined best situated for his design. In this manner the architecture of the strong Norman castles, which had already been partially introduced by the Scoto-Norman barons, was more effectually taught by their formidable enemy to the Scots, who profited by the lesson, and turned it against himself. It not unfrequently happened that the siege of a baronial castle detained the whole English army for weeks, and even months, before it; and although feebly garrisoned, the single strength of its walls sometimes resisted and defied the efforts of Edward's strongest machines and most skilful engineers. To enumerate or to point out the situation of the baronial castles which at this early period formed the residences of the feudal nobility and their vassals would be almost impossible. They raised their formidable towers in every part of the kingdom, on its coasts and in its islands, on its peninsulas and in its lakes, upon the banks of its rivers, and on the crests of its mountains; and many of those inhabited by the higher nobility rivalled, and in their strength and extent sometimes surpassed, the fortresses belonging to the king.[3]

In the year 1309, when the military talents of Bruce had wrested from England nearly the whole of the royal castles, we find Edward the Second writing earnestly to his principal officers in Scotland, directing them to maintain their ground to the last extremity against the enemy; and it is singular that, with the exception of Edinburgh, Stirling, Dumfries, and Jedburgh, the posts which they held, and which are enumerated in his order, are all of them private baronial castles, whose proprietors had either been compelled by superior force, or induced by selfish considerations, to

[1] Chamberlains' Accounts, p. 9.
[2] Rotuli Scotiæ, vol. i. pp. 11, 12.

[3] Fordun, in speaking of the death of Edward the First, asserts that within six years of that event Bruce had taken and cast down a hundred and thirty-seven castles, fortalices, and towers. Fordun a Goodal, vol. ii. p. 240.

embrace the English interest. In his letters are mentioned the castle of Kirkintilloch, between Dumbarton and Stirling; Dalswinton in Galloway, a principal seat of the Comyns; Caerlaverock, belonging to the Maxwells; Thrieve castle, also in Galloway; Lochmaben in Annandale, the seat of the Bruces; Butel, the property of the Steward; Dunbar, a castle of great strength and extent, one of the keys of the kingdom, by which the Earls of March commanded so much influence in an age of war and invasion; Dirleton, also of great extent, and possessed by the Norman race of the De Vaux; Selkirk, at that time in the hands of Aymer de Valence, earl of Pembroke; and Bothwell, a castle at various times the property of the Olifards, Morays, and Douglases.[1] Innumerable other castles and smaller strengths, from the seats of the highest earls, whose power was almost kingly, down to the single towers of the retainer or vassal, with their low iron-ribbed door, and loop-holed windows, were scattered over every district in Scotland; and even in the present day the traveller cannot explore the most unfrequented scenes, and the remotest glens of the country, without meeting some gray relic of other days, reminding him that the chain of feudal despotism had there planted one of its thousand links, and around which there often linger those fine traditions, where fiction has lent her romantic colours to history.

In the vicinity of these strongholds, in which the Scottish barons of the thirteenth and fourteenth centuries held their residence, there was cleared from wood as much ground as was necessary for the support of that numerous train of vassals and retainers which formed what was termed the "following" of their lord, and who were supported in a style of rude and abundant hospitality. The produce of his fields and forests, his huge herds of swine, his flocks and cattle, his granaries and breweries, his mills and malting-houses, his dovecots, gardens, orchards, and "*infield and outfield*" wealth, all lent their riches to maintain those formidable bands of warlike knights and vassals, who were ready on every summons to surround the banner of their lord. Around these castles, also, were placed the rude habitations and cottages belonging to the servants and inferior dependants of the baron, to his armourers, tailors, wrights, masons, falconers, forest-keepers, and many others, who ministered to his necessities, his comforts, or his pleasures. It happened, too, not unfrequently, that, ambitious of the security which the vicinity of a feudal castle insured, the free farmers or opulent tradesmen of those remote times requested permission to build their habitations and booths near its walls, which, for payment of a small rent, was willingly allowed; and we shall afterwards have occasion to remark that to this practice we perhaps owe the origin of our towns and royal burghs in Scotland. It appears, also, from the authentic evidence of the Cartularies, that at this period, upon the large feudal estates belonging to the nobles or to the Church, were to be found small villages, or collections of hamlets and cottages, termed *Villæ* in the charters of the times, annexed to which was a district of land called a *Territorium*.[2] This was cultivated in various proportions by the higher ranks of the husbandmen, who possessed it, either in part or in whole, as their own property, which they held by lease, and for which they paid a rent,[3] or by the villeyns and cottars, who were themselves, in frequent instances, as we shall immediately see, the property of the lord of the soil. Thus, by a similar process, which we find took place in England under the Normans, and which is clearly to be traced in Domesday Book, the greater feudal barons were possessed not only of immense estates, embracing within them field and forest, river, lake, and mountain, but of numerous and

[1] Rotuli Scotiæ, vol. i. p. 80. Olifard, the same name, I conjecture, as Oliphant.

[2] MS. Cartulary of Melrose, pp. 21, 22. Cartulary of Kelso, pp. 254, 255.

[3] Cartulary of Kelso, p. 257, in 1258. Ibid. pp. 312, 317.

flourishing villages,[1] for which they received a regular rent, and of whose wealth and gains they always held a share, because they were frequently the masters of the persons and property of the tradesmen and villeyns, by whom such early communities were inhabited. In these villages the larger divisions, under the names of *carucates*, *bovates*, or *oxgates*, were cultivated by the husbandmen and the cottars under them; while, for their own maintenance, each of these poor labourers was the master of a cottage with a small piece of ground, for which he paid a trifling rent to the lord of the soil.[2]

It happened not unfrequently that the high ecclesiastics, or the convents and religious houses, were the proprietors of villages, from whose population there was not exacted the same strict routine of military service which was due by the vassals of the temporal barons; and the consequences of this exemption were seen in the happier and more improved condition of their husbandmen and villeyns, and in the richer cultivation of their ample territories. A great portion of the district attached to these villages was divided into pasture-land and woodland, in which a right of pasturage, for a certain number of animals, belonged to each of the villagers or husbandmen in common. It is from the information conveyed in the Cartularies that the condition of these early villages is principally to be discovered.[3]

Thus, for example, in the village of Bolden, in Roxburghshire, which belonged to the monks of Kelso, in the latter part of the reign of Alexander the Third, there were twenty-eight husbandmen, who possessed each a husbandland, with common pasture; for which he paid a rent of half a mark, or six shillings and eightpence, besides various services which were due to the landlord. There were, in the same village, thirty-six cottagers, each of whom held nearly half an acre of arable land, with a right of common pasture. The united rent paid by the whole cottagers amounted to fifty-five shillings; in addition to which, they were bound to perform certain services in labour. To the village there was attached a mill, which gave a rent of eight marks; and four brew-houses, each of them let for ten shillings, with an obligation to sell their ale to the abbot at the rate of a lagen and a half for a penny.[4] These villages, of course, varied much in extent, in the number of their mansions, and the fertility of their lands; whilst the greater security, resulting from the increasing numbers and the wealth of the inhabitants, became an inducement for many new settlers from different parts to join the community, and plant themselves under the protection of the lord of the soil. This emigration, however, of the cottars or villeyns from one part of the country or from one village to another, could not be legally effected without the express consent of the master to whom they belonged. A fact of which we shall be convinced when we come to consider the condition of the great body of the people in those early ages.

To one casting his eye over Scotland as it existed during the thirteenth and fourteenth centuries, the numerous religious establishments, the cathedrals, convents, monasteries, and episcopal palaces, must have formed another striking feature in the external aspect of the country. Situated always in the richest, and not unfrequently in the most picturesque spots, and built in that imposing style of architecture which is one of the greatest triumphs of the Middle Ages, these structures reared their holy spires and towers in

[1] Henshall's Specimens and Parts of a History of South Britain, p. 64. In the small part of this valuable work which has been published, and which it is much to be regretted was discontinued by the author from want of encouragement, a clear and authentic view is given of the state of England under the Normans, founded on an accurate examination of the original record of Domesday Book.

[2] Cartulary of Kelso, p. 477. In the same MS. there is a Donation, in 1307, by Nicholas dictus Moyses de Bondington, "Cotagii cum orto quod Tyock Uxor Andree quondam tenerit de me in villa de Bondington."

[3] Rotulus Reddituum Monasterii de Kalchow. Cartulary of Kelso, p. 475.

[4] Cartulary of Kelso, pp. 478, 479. See Illustrations, letters OO.

almost every district through which you travelled; and your approach to them could commonly be traced by the high agricultural improvements which they spread around them. The woods, enclosed and protected, were of loftier growth; the meadows and cornfields richer and better cultivated; the population inhabiting the church-lands more active, thriving, and industrious than in the lands belonging to the crown or to the feudal nobility.

To give any correct idea of the number or the opulence of the various episcopal and conventual establishments which were to be found in Scotland at this remote era, would require a more lengthened discussion than our present limits will allow. Besides the bishoprics, with their cathedral churches, their episcopal palaces, and the residences of the minor clergy which were attached to them, our early monarchs and higher nobility, in the devotional spirit of the age, encouraged those various orders of regular and secular churchmen which then existed in Europe. The Canons Regular of St Augustine, who were invited into Scotland by Alexander the First, and highly favoured by David, had not less than twenty-eight monasteries; the Cistertians or Bernardine Monks, who were also warmly patronised by David, possessed thirteen; and the Dominican or Black Friars, fifteen monasteries, in various parts of the country. Although these orders were the most frequent, yet numerous other divisions of canons, monks, and friars obtained an early settlement in Scotland, and erected for themselves in many places those noble abbacies, priories, or convents, whose ruins at the present day are so full of picturesque beauty and interesting associations. The Red Friars, an order originally instituted by St John of Matha and Felix de Valois for the redemption of Christian slaves from the Infidels, possessed nine monasteries; the Præmonstratensian Monks, who boasted that the rule which they followed was delivered to them in a vision by St Augustine, and written in golden letters, were highly favoured by David the First, Alexander the Second, and Fergus, lord of Galloway. The Tyronensian and Clunacensian Monks, the Templars, the Franciscans, and the Carmelites had all of them establishments in Scotland; whilst the Augustinian, the Benedictine, and the Cistertian Nuns were possessed of numerous rich and noble convents; which, along with the hospitals, erected by the wide-spread charity of the Catholic Church, for the entertainment of pilgrims and strangers, and the cure and support of the sick and infirm, complete the catalogue of the religious establishments of Scotland during the thirteenth and fourteenth centuries.[1]

Although covered in many places with vast and impenetrable woods and marshes, the country around the monasteries and religious houses adjoining to the castles of the nobles, and to the great towns, royal burghs, and villages, appears in the reign of Alexander the Third to have been in a state of considerable cultivation. Even during the wars of the three Edwards, when we take into view the dreadful disadvantages against which it had to struggle, the agriculture of Scotland was respectable.

The Scottish kings possessed royal manors in almost every shire, which were cultivated by their own free tenants and their villeyns; and to which, for the purpose of gathering the rents, and consuming the agricultural produce, they were in the custom of repairing, in their progresses through the kingdom. This fact is established by the evidence of the Cartularies, which contain frequent grants, by David the First, William the Lion, and the two Alexanders, to the convents and religious houses, of various kinds of agricultural produce to be drawn from the royal manors; and the same truth is as conclusively made out by the original accounts of the Great Chamberlains of Scotland.[2]

[1] Account of the Religious Houses in Scotland. Keith's Catalogue of the Scottish Bishops, p. 235.

[2] Of these accounts, which contain a body of information upon the civil history of Scotland, unrivalled in authenticity, and of high

David, for example, granted to the monks of Scone the half of the skins and the fat of all the beasts which were killed for the king's use on his lands to the north of the Tay; and the half of the skins and hides of all the beasts slain upon festival days, at Stirling, and on his manors between the Forth and the Tay.[1] Innumerable charters, by his successors, to the various monasteries and religious houses in the kingdom, evince the generosity or superstition of our monarchs, and the extent of their royal demesnes. Scarcely less numerous, and upon a scale not greatly inferior to those of the king, were the extensive feudal estates belonging to the religious houses, to dignified clergy, and to the magnates, or higher barons of Scotland; who granted charters of lands to their own military vassals and retainers, or by leases, to other more pacific tenants, upon whom they devolved the agricultural improvement of their domains. Thus, for example, we find, in the Cartulary of Kelso, that the monks of this rich religious house granted to the men of Innerwick, in the year 1190, a thirty-three years' lease of certain woods and lands, for the annual rent of twenty shillings; which was approved of by Alan, the son of Walter, the Steward, to whom the men of Innerwick belonged.[2]

The clergy, whose domains, chiefly from the liberal and frequent endowments of David the First, and his successors, were at this period amazingly rich and extensive, repaid this profusion, by becoming the great agricultural improvers of the country. From them those leases principally proceeded, which had the most beneficial effect in clearing it from wood. and bringing it under tillage. In 1326 the Abbot of Scone granted a lease for life of his lands of Girsmerland to Andrew de Strivelyn. Henry Whitwell received from the Abbot of Kelso a lease for life of all the lands belonging to this monastery in the parish of Dumfries, for which the yearly rent was twelve shillings; and numerous other instances might be brought forward. It was in this manner that there was gradually introduced and encouraged in the country a body of useful improvers, who were permitted, from the pacific character of their landlords, to devote their time more exclusively to agricultural improvement than the vassals or tenants of the barons.[3]

The system of agriculture pursued at this early period must have been exceedingly rude and simple in its details; and although it is difficult to point out the exact mode of cultivation, yet some information with regard to its general character, and the crops then raised in the country, may be found in the scattered notices of contemporary historians, and in the records and muniments of the times. Oats, wheat, barley, pease and beans were all raised in tolerable abundance. Of these by far the most prevalent crop was oats. It furnished the bread of the lower classes; and the ale which they drank was brewed from malt made of this grain. In the innumerable mills which are mentioned in the Cartularies, great quantities of oats were ground into meal; and at the various malt-kilns and breweries which we find attached throughout the same records to the hamlets and villages, equally large proportions of oats were reduced into malt and brewed into ale. In the Wardrobe Accounts of Edward the First for the years 1299 and 1300, large quantities of oat malt, furnished to his different garrisons in Scotland, form some of the principal items of expenditure. In the same interesting and authentic record we find that Edward's cavalry in their return from Galloway, in September 1300, destroyed in their march through the fields eighty acres of oats upon the property of William de Carlisle, at Dornock, in compensation for which the king allowed him two butts of wine.[4] It appears in the same series

interest, a short notice will be found in the Illustrations, letters CC.

[1] Cartulary of Scone, pp. 2, 6, 8.

[2] Cartulary of Kelso, p. 247. Caledonia, vol. i. p. 794.

[3] Cartulary of Scone, p. 32. Cartulary of Kelso, p. 329. Chamberlains' Accounts, vol. i. pp. 5, 12, 22. Cartulary of Inchcolm, p. 31.

[4] Liber Cotidianus Garderobæ Edwardi I., p. 126.

of accounts that Edward bought his oats, and oat malt to be brewed for the army, at various rates, extending from twenty pence to three shillings per quarter. From the multitudes of brew-houses with which every division of the kingdom appears to have been studded, from the royal manufactories of ale down to those in the towns, burghs, baronies, and villages, it is evident that this beverage must have been consumed in great quantities.

Although oats was the principal grain raised in Scotland, yet wheat was also cultivated to a considerable extent, chiefly by the higher orders: throughout the south and east districts of the country, wheaten bread was principally used at their tables; and the quantities of this grain which the Cartularies shew to have been ground in the mills evince the consumption to have been considerable. When Edward, in the year 1300, invaded Galloway, we find, by the Wardrobe Account of that period, that he purchased large quantities of wheat, which was exported from Kirkcudbright to Whitehaven and other ports in Cumberland. It was there ground, and the flour sent back to supply the English garrisons in Galloway and Ayr. In the Wardrobe Account of the same monarch for the year 1299, it is stated that unground pease, for the use of the English garrisons, were furnished at the rate of two shillings and ninepence, and beans for the horses at four shillings and sixpence the quarter. In addition to these crops, extensive districts of rich natural meadow, with the green sward which clothed the forest glades, furnished grass, which was made into hay, and with all other agricultural produce, paid its tithe to the clergy. The fields, the mountain grazings, and the forests, were amply stocked with cows, sheep, and large herds of swine,[1] which fed on the beech mast. These last formed the staple animal food of the lower classes; for even the poor bondman or cottager seems to have generally possessed, in the territorium of the village where he lived, a right of common pasture for a sow and her pigs.

Another important part of the stocking of the farms and the forests of those times consisted in the numerous horses which were reared by their baronial proprietors. We learn from the Cartularies that great care was bestowed upon this interesting branch of rural economy. Many of the nobles had breeding studs upon their estates;[2] and in the forests large herds of brood mares, surrounded by their grown-up progeny, and with their young foals at their feet, ran wild, and produced a hardy and excellent stock of little horses, upon which the *hobelers*, or light-armed Scottish cavalry, were mounted, which, in the numerous raids or invasions of England, under Bruce, Randolph, and Douglas, so cruelly ravaged and destroyed the country. Distinguished from these were the domestic horses and mares employed in the purposes of agriculture,[3] in war, or in the chase. Both the wild horses and those which had been domesticated were of a small hardy breed, excellently fitted for light cavalry, but too diminutive to be employed as the great war-horse of the knight, which had not only to bear its master armed from head to foot in steel, but to carry likewise its own coat of mail. It is on this account that we find the Scottish barons importing a breed of larger horses from abroad.[4] Some idea may be formed of the extent of the stud possessed by the higher barons and the rich ecclesiastical houses by an inventory which is preserved in the Cartulary of New-

[1] Excerpt. ex Rotulo Compot. Temp. Alex. III. pp. 12, 15.

[2] Cartulary of Melrose, p. 105. Cartulary of Kelso, pp. 283, 284.

[3] In the farming operations of ploughing and harrowing, in the leading of hay, the carting of peats, or taking in the corn during the harvest, the wain driven by oxen appears to have been principally employed, while the conveyance of the agricultural produce to any great distance was performed by horse-labour. This appears from the minute details of the services due by the tenants of the Abbey of Kelso, in the Cartulary of that rich religious house. Cartulary of Kelso, p. 475.

[4] Lord Douglas brings ten "great horses" into Scotland, 1st July 1352. Rotuli Scotiæ, p. 752, vol. i.

bottle. It states that the monks of Melrose possessed in old times three hundred and twenty-five forest mares and horses, fifty-four domestic mares, a hundred and four domestic horses, two hundred and seven stags or young horses, thirty-nine three-year colts, and a hundred and seventy two-year-old colts.

But that branch of rural economy upon which the Scottish proprietors of this period bestowed most attention was the rearing of large flocks of sheep and herds of cattle.[1] Sheep, indeed, chiefly abounded in the Lowlands; and, during the latter part of the reign of David the Second, we have seen the parliament interposing in order to equalise the taxation of the districts where sheep-farming was unknown and the Lowland counties, where the wool-tax fell heavily upon the inhabitants; while, on another occasion, "white sheep" are exempted, probably meaning those sheep which, for the sake of producing a finer quality of wool, had not been smeared with tar.[2] In a short time, however, the northern as well as the southern districts abounded in sheep, which became a principal branch of the wealth of the country. Their flesh was consumed at the baron's table; their wool formed the chief article of export, or was manufactured within the kingdom into the coarser kind of cloth for the farm servants;[3] their skins were tanned, and converted into articles for home consumption, or exported to England and Flanders. In like manner, the carcasses of the beeves were consumed by the troops of retainers, or exposed for sale in the market of the burgh; the skins were exported in great quantities, both with and without the hair, or manufactured into shoes, leather jackets, buff coats, caps, saddles, bridles, and other articles of individual comfort or utility. In the more cultivated districts cows were kept in the proportion of ten to every plough; but in the wilder parts of the country the number was infinitely greater.[4] Goats also were to be found in some districts, chiefly in the wilder and more mountainous parts of the country.[5]

From the quantity of cheese which appears to have been manufactured on the royal demesnes throughout Scotland, it is clear that the dairy formed a principal object of attention;[6] and if such was the case upon the lands of the crown, it is equally certain that its proper management and economy was not neglected by the clergy or the barons. In the Cartulary of Kelso, we find that David the First conferred on the monks of that house the tenth of the cheese which he received from Tweeddale; the same prince gave to the monks of Scone the tenth of the *can* of his cheese brought in from his manors of Gowrie, Scone, Cupar, and Forgrund; and to the monks of Rendalgross, the tenth of the cheese and corn collected from the district round Perth.[7] From the same valuable class of records, which contain the most interesting materials for the civil history of the country, we learn that, in addition to the more important branches already mentioned, poultry was carefully attended to in the farm establishment; and it is through the monks, the constant friends of national comfort and good cheer, that the fact is transmitted. As early as under Malcolm the Fourth, the monks of Scone, upon the feast of All Saints, received from every ploughland within their demesnes ten hens, along with other farm produce; and from each house of every hamlet or village on the lands belonging to the Abbey of

[1] Excerpta ex Rotulo Compotorum, Temp. Regis Alex. III. p. 11.

[2] "White sheep" is the technical phrase for sheep which are not smeared with tar in the winter time. The smearing injures the wool; and it is not improbable the exemption from tax may have been with a view to the production of wool better fitted to the purposes of the manufacturer. Robertson, Index to the Records, p. 117.

[3] Charter of William the Lion to the burgh of Inverness, printed in Wight on Elections, p. 411.

[4] Caledonia, vol. i. p. 798.

[5] Robertson's Parliamentary Records, p. 3.

[6] Excerpta ex Rotulo Compot. Temp. Alex. III. p. 11.

[7] Cartulary of Kelso, p. 1; Cartulary of Scone, p. 16; Cartulary of May, p. 10.

Kelso, the abbot at Christmas received a hen, for which he paid a halfpenny.[1]

It will be seen from these facts that the state of Scotland with regard to these necessaries, and even comforts of life, which depend upon agricultural improvement, was respectable. Wheaten loaves, beef, mutton, and bacon, besides venison and game of all descriptions, in rude abundance, were to be found at the table of the greater and lesser barons; while the lower orders, who could look to a certain supply of pork and eggs, cheese, butter, ale, and oaten cakes, were undoubtedly, so far as respects these comforts, in a prosperous condition. Besides this, both for rich and poor, there was an inexhaustible supply of fish, which abounded in the seas that washed their coasts, and in the rivers and lakes of the country. Herring and salmon, cod and ling, haddocks, whiting, oysters, trout, eels, and almost every other species of fresh-water fish, were caught in great quantities, and formed an article of constant home consumption.[2] The pages of the various Cartularies abound with proofs of the assiduity and skill with which the fisheries were pursued, and of the value attached to them by their proprietors. In the Wardrobe Accounts of Edward the First, large quantities of herring were purchased for the provisioning of his Scottish garrisons; and during his campaigns of 1300 in that country, he carried with him his nets and fishers for the supply of the royal table.[3] Here, as in all other branches of national wealth, the monks were the great improvers, and by their skill and enterprise taught the great barons and the smaller landed proprietors, with their vassals and bondsmen, how much wealth and comfort might be extracted out of the seas, the lakes, and the rivers of their country. *Stell* fishings, a word which appears to mean a stationary establishment for the taking of fish, were frequent on the coast of Ayrshire, on the shores of the Solway, and generally at the confluence of the larger rivers with the sea. Besides this, we find in the Cartularies innumerable grants of *retes*, or the right of using a single net within certain limits upon the river or lake where it was established, and of *yairs*, a mode of fishing by the construction of a wattled machine within the stream of the river, which was inserted between two walls, and of very ancient use in Scotland. In the Cartulary of Paisley, the Earl of Lennox, some time before 1224, gave to the monks of that religious house a yair fishing in the river Leven, near Dumbarton.[4] A contemporary manuscript in the British Museum informs us, that in the reign of David the First the Firth of Forth was frequently covered with boats, manned by Scottish, English, and Belgic fishermen, who were attracted by the great abundance of fish in the vicinity of the Isle of May;[5] and we know from the accounts of the Chamberlain of Scotland, that for the use of the king's household not only large quantities of every kind of fish were purchased by the clerk of the kitchen, but that David the Second, like Edward the First, kept his own fishermen for supplying the royal table.

[1] Cartulary of Scone, p. 16; Cartulary of Kelso.

[2] Robertson's Parliamentary Records, p. 3.

[3] Wardrobe Accounts of Edward I., pp. 121, 122, 143, 151.

[4] Cartulary of Paisley, pp. 359, 360.

[5] MS. Bibl. Cotton. Tit. A. XIX. f. 78, C. The MS. is a life of St Kentigern, written about the end of the reign of David the First. "Ab illo quippe tempore in hunc diem tanta piscium fertilitas ibi abundat, ut de omni littore maris Anglici, Scotici, et a Belgicæ Galliæ littoribus veniunt gratia piscandi piscatores plurimi, quos omnes Insula May in suis rite suscipit portibus." Macpherson's Notes on Winton, vol. ii. p. 479

SECTION II.

DISTINCT RACES IN SCOTLAND.

We come now to the consideration of an important subject; to make a few remarks upon the different races of men which appear originally to have settled in Scotland, and the division of orders and ranks in society into which they came to be separated during this remote era of our history At the death of Malcolm Canmore, in 1093, four distinct races were dis-

cernible in Scotland. There was first the Gaelic or Celtic people, speaking the Erse language, and inhabiting Argyle, Galloway, Inverness, and nearly the whole of Scotland to the north of the Firth of Forth. Beyond them the hardy and warlike Norwegians had seized upon the Western Isles, and colonised the extreme districts of Ross and Caithness. In the richer lowland counties were the Saxons, a Gothic race, from whom Malcolm Canmore had chosen his queen, and whom he highly favoured and encouraged, while the convulsion in the sister country at the great era of the conquest had driven many opulent Normans to desert the service of the conqueror, and to carry their arms and their allegiance to a foreign prince, by whom they were warmly welcomed. During the long interval of a century and a half, which elapsed between the death of Malcolm Canmore and the accession of Alexander the Third, these materials became insensibly blended and mixed into each other; but the process was extremely gradual, and during the whole period we can discern distinct marks of the different races.[1] At the death of Malcolm Canmore, an event took place which exhibited in strong colours the animosity of the Gaelic people to the Saxons and Normans. Donald Bane, who had taken refuge in the Hebrides upon the usurpation of Macbeth, having emerged from his northern asylum, seized the throne; and his first exertion of power was to expel from the country all the foreigners who had intruded into his dominions.[2] The frequent residence of David the First, previous to his accession to the Scottish throne, at the court of England, and his possession of the extensive district of Cumberland, which was exclusively occupied by a Saxon and Norman population, must have contributed to soften the lines of distinction between the different classes of his subjects when he became king. Yet his anxious efforts could not altogether extinguish their jealous animosities, or prevent them from breaking out on most occasions when they were compelled to act together.[3] For example, at the battle of the Standard, Malise, earl of Strathern, a Gaelic chief, remonstrated with the Scottish king against his design of placing his squadrons of Norman soldiers, who were clothed from head to foot in steel, in the front of the battle. "Why," said he to the king, "will you commit yourself so confidently to these Normans? I wear no armour, yet none of them this day will go before me in the battle." Upon which David, to prevent a rupture between the two divisions of his army, found himself compelled to give the post of honour to the Galwegians, whom the Norman historians represent as a nation of absolute savages.[4] An attention to the arrangement of the Scottish army in this memorable battle, and o the circumstances under which i wa fought, will throw some light upon the various tribes which at this time composed the body of the nation After the Galwegians, who insisted on forming the first line, and were led by their chiefs, Ulric and Donald, came the second body, composed of the Norman men-at-arms, the knights and the archers, commanded by Prince Henry, whilst the soldiers of Cumberland and Teviotdale fought in the same line, and beneath the same banner. In the third division were drawn up the men of Lothian, along with the Islanders and Ketherans; and the king himself commanded a reserve, in which he had placed the Scots and the natives of Moray, with a select body of Saxon and Norman knights which he kept near him as a body guard.[5] There were at this time in the English army two Norman barons, Robert de Bruce and Bernard Baliol, who possessed estates in Galloway, which they held of David as their liege lord. Before the battle, Bruce,

[1] Fordun a Goodal, book viii. chap. ii., iv., and vi., book ix. chap. xxxiv., xlvii., xlviii. and lxiii.

[2] Chron. Johan. Brompton, p. 990. Chron. Melrose, p. 174.

[3] Rich. Hagulstad. pp. 318, 323. Johan. Hagulstad. p. 262.

[4] Ethelredus de Bello Standardi, pp. 341, 342. Ricardus Hagulstad. Hist. p. 318.

[5] Ethelredus de Bello Standardi p. 342.

who had been an old and dear friend of the Scottish king during his residence in England, requested an interview, and anxiously advised him to desist from further hostilities and to consent to a peace. In the arguments which he employed, as given by a contemporary historian,[1] the enmity between the Scottish and the Norman race is strongly insisted upon. He paints the Scots as rejoicing at the opportunity of avenging themselves upon a nation which was odious to them, and accuses the king of extreme folly in making war on that people by whom he had supported his power against the attacks of his Scottish subjects. "Think not," says he, "that one part of these savage tribes will be a sufficient defence against the rest; that the Scots will be barrier enough against the Scots; and raise not your banner for the destruction of those whose faithfulness in your defence has made them to be hated by the Scottish race."

The two races in David's army, thus strikingly described, seem to have been the Galwegians, the Islesmen, and the Ketherans, on one hand; the Normans and Saxons, the men of Lothian, of Teviotdale, and of Cumberland, on the other. Nor is it difficult to discover the cause of their animosity. The fact just mentioned, that Bruce and Baliol, two Norman barons, possessed lands in Galloway, will guide us to it. It was the policy of this monarch to encourage the influx of Normans into his dominions, by conferring upon them estates in the districts which his Gaelic subjects considered exclusively their own; and out of this policy arose a mutual jealousy and hatred, which it required centuries entirely to eradicate. The arms, the appearance, and the manners of these Galwegians are marked by the same author as essentially different from the rest of the Scottish army. When compared with the Norman men-at-arms, they were little else than naked savages. Their swords and a buckler of cow hide were their only weapons of defence against the steel casques, the chained-mail shirts, the cuirass, vantbrace, greaves, and iron gloves of the English army; but their first attack, in spite of these disadvantages, was so fierce as to be frequently successful. On the other hand, the Saxons and the men of Teviotdale, Cumberland, and Lothian appear to have been a civilised race, in comparison with the Galwegians, the Islesmen, and the Ketherans.[2]

The distinction, indeed, between the Saxon and the Gaelic people was as strongly marked as that between the Normans and the Galwegians. Malcolm's queen was a Saxon princess, and the sister of Edgar Atheling, the heir of the Saxon line in England. She spoke only her own language; and when she communicated with the Gaelic chiefs or clergy, employed as her interpreter the king, her husband, who was acquainted both with his own language and that of the English people.[3]

At the coronation of Alexander the Third, we have seen that the Gaelic portion of his subjects claimed a part in the ceremony, by the appearance of the Highland bard or sennachy, who repeated the genealogy of the king;[4] and, during the long wars of the three Edwards, the animosity of the same people to the new race of the Saxons and the Normans is manifested by the constant rebellions of the Galwegians and northern Scots; and the apparent facility with which the English monarchs, on all occasions, separated the lords of the isles and the northern chiefs from the common cause of liberty. Bruce's expedition against the Western Isles in 1315, which was followed by a temporary reduction of the chiefs, evinces the continued feelings of hostility; and almost the only

[1] Ethelredus de Bello Standardi, p. 343.

[2] Ethelredus de Bello Standardi, p. 345. In Thierry's Histoire de la Conquête de l'Angleterre par les Normans, a work of talent, the author falls into an error (vol. iii. p. 24) in describing the Scottish army as having for its ensign or standard a simple lance. Ælred expressly tells us that they had "Regale vexillum, ad similitudinem Draconis figuratum." De Bello Standardi, p. 346.

[3] Turgot, Vita Margaretæ Reginæ. Pinkerton's Vitæ Sanctorum, No. 5

[4] Fordun a Goodal, vol. ii. p. 82.

occasion on which David the Second evinced a spirit worthy of his father, was in the suppression of a serious rebellion of the northern provinces of his dominions.[1] As to the traces of the Norwegian or Scandinavian race in the body of the Scottish people, they were, although perceptible, partial and evanescent. Their settlements upon the mainland in Caithness and Ross were destroyed, and the Western Isles wrested from them by Alexander; so that, were it not for the impression which they have left in the Scandinavian names and superstitions which are prevalent in those remote regions, and the instruction communicated to the Islesmen in the art of navigation, we should not be able to discover that the children of Odin had ever penetrated into our country.

In the period of a hundred and twenty years, between the accession of Alexander the Third and the death of David the Second, the Norman and Saxon population became so intimately blended together as to appear one and the same people; and their superior power and civilisation had gradually gained, from their fierce competitors, the Gaels, the greater and the fairer portion of Scotland. Even in those northern provinces, which had long exclusively belonged to them, barons of Norman and Saxon extraction were settled in possession of immense estates; and the constitution of the government, which, there is little doubt, had been under Malcolm Canmore essentially Celtic, was now as decidedly feudal, including certain orders and ranks in society which were clearly and strongly marked.

The king, under the feudal form of government, appears to have been superior to the highest nobility, in three great characters. He was the leader of the army in war, and possessed of the supreme military command;[2] he was the great judge or administrator of justice to his people, either in person or by deputy; and the fountain of honour, from whose will and authority all distinction and pre-eminence were considered as primarily derived. It would be a great mistake, however, to suppose that his power was anything approaching to despotic; for it was controlled by that of the higher nobles, whose estates and numerous vassals enabled them almost singly to compete with the sovereign. At the same time, there is decided proof that ample provision was made for the due maintenance of the royal dignity, both in the person of the king himself and his eldest son, who, at a very early period, we find was considered as entitled to the crown by hereditary right.[3]

Edgar in 1106, being then on his deathbed, bestowed upon his younger brother David, afterwards David the First, a large portion of his dominions, which included the ancient kingdom of Strathclyde, and nearly the whole of the country to the south of the Firths, with the exception of the earldom of Dunbar;[4] a proof that the personal estate of the Scottish king was at that time great. Many other incidental notices, which are scattered in the pages of our early historians, may be brought to corroborate the same fact.

In the year 1152, the prospects of the kingdom were clouded by the death of Prince Henry, the only son of David the First; upon which that monarch, anxious for the stability of the throne in his own family, commanded his grandson Malcolm, the eldest son of Henry, to be proclaimed heir to the crown; whilst on the second son William, afterwards William the Lion, he bestowed his terri-

[1] History, supra, p. 228.
[2] Simeon Dunelm. pp. 200, 210.
[3] Simeon Dunelm. p. 223.
[4] Ethelredus de Bello Standardi, p. 344. Macpherson's MS. Notes on Hailes' Annals, vol. i. p. 48. Hailes appears to be in an error when he imagines that the "portio regni," spoken of by Ethelred, was the part of Cumberland possessed by the Scottish kings, as it was after this that David acquired Cumberland from King Stephen. David, before he was king, erected Glasgow into a bishopric, from which arises a strong presumption that it lay within his principality; and we find that on his newly-erected Abbey of Selkirk, afterwards Kelso, he bestowed the tithes of his can of cheeses from Galloway, from which it is evident that he was the feudal superior of that district. Dalrymple's Collect. p. 404.

tories in Northumberland as the appanage of the heir-apparent.[1] We know, also, that David, earl of Huntingdon, brother of William the Lion, held at the time of his death, which happened in the year 1219, the earldoms of Garioch and Lennox, the lordship of Strathbogie, the town of Dundee, with the lands of Innerbervie, Lindores, Longforgrund, and Inchmartin, in consequence of a grant from the king his brother.[2]

In addition to these facts, which prove the power and personal estate of the king under the feudal government in Scotland, the riches of the royal revenue are evinced by various pecuniary transactions of William the Lion. It is well known that this monarch paid to Richard the First the sum of ten thousand marks, for resigning the homage extorted by Henry the Second.[3] Upon another occasion, he gave Richard two thousand marks to make up the heavy ransom which was exacted from the English monarch by the emperor.[4] Upon John, king of England, he bestowed the marriage of two of his daughters, with fifteen thousand marks;[5] and, if we may believe Hoveden, the same king offered fifteen thousand marks for Northumberland.[6] Allowing ten pounds of modern money for every mark of ancient, we find from these insulated instances of the sums paid by this monarch that he disbursed, out of the royal revenue, two hundred and seventy thousand pounds; and was ready, in addition to this, to have paid a hundred and fifty thousand for Northumberland.

Upon the marriage of Alexander the Second with the daughter of Lord Ingelram de Couci, the portion of the youthful bride amounted to seven thousand marks, which was given her as a third of the royal revenue; so that in 1239, the date of this marriage, the annual revenue of the King of Scotland, proceeding from the crown lands and other sources, amounted to twenty-one thousand marks,[7] somewhat more than two hundred thousand pounds. The same monarch, notwithstanding the drain of the royal treasury, in his father's time, gave ten thousand marks, besides lands, as a marriage portion with his second sister; and, on one memorable occasion, when the Scottish sovereign paid a Christmas visit to Henry the Third at York, in the mutual interchange of gifts between the two kings, Alexander, for the purpose of fitting out his royal host for the continent, made him a present of two thousand marks, or twenty thousand pounds of our present money, taking from him, at the same time, an acknowledgment, that the gift was never to be drawn into a precedent, but proceeded solely from his liberality.[8]

Under Alexander the Third, the riches of the royal revenue appear to have kept pace with the general prosperity of the kingdom. We have seen that monarch obtain the kingdom of Man and the Western Isles by purchase from the King of Norway, paying down for them the sum of four thousand marks, with an annual payment of a hundred marks for ever; and, not long after this transaction, the same monarch, at the marriage of his daughter to Eric, king of Norway, assigned as her dower the sum of seven thousand marks in addition to lands worth seven hundred marks a year.[9] To give an exact account of the various sources of the royal revenue in those early times would require a careful and lengthened investigation. The rents and produce of the royal lands and manors throughout the country; the dues payable under the name of *can* on the products of agriculture, hunting, and fishing; the customs on the exports of wool, wool-

[1] Fordun a Goodal, vol. i. p. 296. Johan. Hagulstad. p. 280. Gulielm. Neubrigen, p. 76.
[2] Fordun a Goodal, vol. ii. pp. 33, 42.
[3] Fordun a Hearne, p. 724.
[4] Chron. Melross, a Stevenson, p. 100.
[5] Fœdera, vol. i. p. 155.
[6] Hoveden, fol. 420.
[7] Math. Paris, p. 411. Macpherson's Notes on Winton, vol. ii. p. 481.
[8] Chron. de Dunstaple, MS. Bib. Cotton. quoted in Macpherson's Notes to Winton, vol. ii. p. 480. Rotuli Pat. 14 Hen. III. m. 5. and 15. m. 7.
[9] Fordun a Hearne, p. 1358. Fœdera, vol. ii. p. 1079.

fels, and hides; on articles of domestic manufacture, on foreign trade and shipping; the fees and fines which arose at this period in all countries where the feudal system was established, from the administration of justice upon the wardship and marriage of heirs, and in the escheats of estates to the crown; the temporary aids which the tenants and vassals of every feudal sovereign were bound to pay on great occasions, such as making the king's son a knight, the marriage of his daughters, his own coronation or marriage, or his ransom from captivity: these, amongst others, formed some of the principal sources of the revenue of the crown.[1]

If we make allowance for the rudeness of the period, the personal state kept up by the Scottish sovereign was little inferior to that of his brother monarch of England. The various officers of the royal household were the same; and when encircled by these dignitaries, and surrounded by his prelates, barons, and vassals, the Scottish court, previous to the long war of liberty, and the disastrous reign of David the Second, was rich in feudal pomp. This is proved by what has already been observed as to the condition of the royal revenue, when compared with the inferior command of money which we find at the same era in England;[2] and some interesting and striking circumstances, which are incidentally mentioned by our ancient historians, confirm this opinion. As early as the age of Malcolm Canmore, an unusual splendour was introduced into the Scottish court by his Saxon queen. This princess, as we learn from her life by Turgot, her confessor, brought in the use of rich and precious foreign stuffs, of which she encouraged the importation from distant countries. In her own dress she was unusually magnificent; whilst she increased the parade attendant on the public appearance of the sovereign, by augmenting the number of his personal officers, and employing vessels of gold and silver in the service of his table.[3] Under the reign of Alexander the First, the intercourse of Scotland with the East, and the splendid appearance of the sovereign, are shewn by a singular ceremony which took place in the High Church at St Andrews. This monarch, anxious to shew his devotion to the blessed apostle of that name, not only endowed the religious house with numerous lands, and conferred upon it various immunities, but, as an additional evidence of his piety, he commanded his favourite Arabian horse to be led up to the high altar, whose saddle and bridle were splendidly ornamented, and his housings of a rich cloth of velvet. A squire at the same time brought the king's body armour, which were of Turkish manufacture, and studded with jewels, with his spear and his shield of silver; and these, along with the horse and his furniture, the king, in the presence of his prelates and barons, solemnly devoted and presented to the Church. The housings and arms were shewn in the days of the historian who has recorded the event."[4]

On another occasion, the riches of the Scottish court, and, we must add, the foolish vanity of the Scottish monarch and his nobles, were evinced in a remarkable manner. Alexander the Third, and a party of a hundred knights, were present at the coronation of Edward the First; and in the midst of the festival, when the king sat at table, and the wells and fountains were running the choicest wines, he and his attendants dismounted, and turned their horses, with their embroidered housings, loose amongst the populace, to become the property of the first person who caught them, —a piece of magnificent extravagance, which was imitated by Prince Edmund, the king's brother, and others of the English nobles.[5]

[1] Chalmers' Caledonia, vol. i. p. 747. Chamberlains' Accounts, passim.

[2] Gulielmus Neubrig. p. 98. Macpherson's Notes on Winton, vol. ii. p. 481.

[3] Turgot, Vita Sanct. Marg. apud Pinkerton, Vitæ Sanctorum.

[4] Extract from the Register of the Priory of St Andrews, in Pinkerton's Dissertation, Appendix, vol. i. p. 464. Winton, vol. i. p. 286

[5] Knighton, 2461.

From these facts some idea may be formed of the wealth of the royal court of Scotland. Like the other contemporary feudal monarchs of Europe, the sovereign was surrounded by certain great ministers of state, under the names of the justiciar, the chancellor, the constable, the marshal, the seneschal, the chamberlain, and the hostiarius or doorward. These offices were held by the richest and most powerful nobles, whose wealth enabled them to keep up a train of vassals which almost rivalled the circle round the sovereign; and who, in their own court and castle, mimicked the royal pomp, and were surrounded by their own cupbearers, constables, seneschals, and chamberlains.[1] Next to the king, therefore, such great officers held the highest rank in the nation; and no correct picture of the feudal government of Scotland, during this early period, can be given, without briefly considering the respective duties which devolved upon them.

In the history of our legal administration, during that long period which occupies the interval between the accession of the First Alexander and the First James, the office of great Justiciar holds a conspicuous place; although, from the few authentic records of those times, it is difficult to speak with precision as to its exact province.

It has already been remarked that, in this early age, the king was the fountain of justice, and the supreme judge of his people. We are indebted to a contemporary historian for a fine picture of David the First in this great character. "It was his custom," says Ethelred, "to sit, on certain days, at the gate of his palace, and to listen in person to the complaints of the poorest suitors who chose to bring their cause before him. In this employment he spared no labour to satisfy those who appealed to him of the justice of his decision; encouraging them to enter into argument, whilst he kindly replied, and endeavoured to convince them of the justice of his reasons. Yet," adds the historian, "with great simplicity, "they often shewed an unwillingness to acquiesce in his mode of argument."[2]

The progresses which were annually made by the king, for the purpose of redressing grievances, and inquiring into the conduct of his officers throughout the realm, have been already noticed under the reign of Alexander the Third; but the general administration of justice, at an early period, seems to have been intrusted to two great judges,—the one embracing within his jurisdiction the northern, and the other the southern part of the kingdom. Under these supreme officers, a variety of inferior judges appear to have enjoyed a delegated and subordinate jurisdiction, who borrowed their designations from the district in which they officiated, and were denominated the Judge of Gowry, the Judge of Buchan, the Judge of Strathern, the Judge of Perth; but of whose exact authority and jurisdiction no authentic record remains.[3] The existence both of the supreme and of the inferior judges can be traced in authentic muniments, preserved chiefly in the Cartularies, throughout the reigns of Alexander the First, David the First, and Malcolm the Fourth, during a period of nearly sixty years, from 1106 to 1165. William the Lion, who assumed the crown immediately after Malcolm IV., appears to have changed or new-modelled these offices, by the creation of two great judges named Justiciars; the one the Justiciarius Laudoniæ, whose authority extended over the whole of the country south of the two Firths; and the other the Justiciarius Scotiæ, embracing within his jurisdiction the whole of Scotland beyond the Forth. The series of justiciars of Scotland from the reign of this prince, during a period of nearly a century, has been traced through documents of unquestionable

[1] Robertson's Index, p. 82.

[2] Fordun a Hearne, p. 940.

[3] Chalmers' Caledonia, p. 703, vol. i. note D. Crawford's Officers of State, p. 431. Robertson's Index to the Charters, Postscript, p. 53.

authenticity;[1] but that of the justiciaries of Lothian cannot be so accurately ascertained,[2] while there is a third officer of the same high dignity, the Justiciarius ex parte boreali aquæ de Forth, whom we find incidentally mentioned at the same period; upon whose authority and jurisdiction the utmost research of our antiquaries has not succeeded in throwing any distinct light.[3] There can be little doubt, I think, that the judicial authority of these officers was pre-eminent, and that it embraced a civil and criminal jurisdiction, which was next to that of the sovereign. At the period of the temporary subjugation of Scotland by Edward the First, this monarch, in his new-modelling of the machine of government, introduced a change by appointing two justices in Lothian, two others in the country lying between the Forth and the Grampian range, called the Mounth, and, lastly, by separating the great northern district, extending from the Grampians to Caithness, into two divisions, over which he placed two supreme justiciars.[4]

Scotland, however, soon recovered her independence; and it seems probable that the ancient institution of a single Justiciar of Lothian was restored, along with her other native dignities, by Robert Bruce. It is certain, at least, that the existence of a single judge under that title can be traced through authentic documents, down to the period of James the Fifth. The latter institution of Edward, regarding the four justiciaries of Scotland, who presided over the regions to the north of the Forth, as it was sanctioned by ancient usage, was preserved by him who was the restorer of ancient right.[5] It would thus appear that, during the reign of Robert Bruce, the civil and criminal jurisdiction of the country was, with the exceptions to be immediately noticed, divided between five different justiciars; and it is probable, although it cannot be stated with historical certainty, that these supreme judges acted by deputies, who officiated in their absence, or presided in minor cases; and that they continued to be the supreme judges in Scotland down to the time of James the Fifth.

The office of great justice or justiciar was undoubtedly of Norman origin;[6] and, reasoning from the analogy between the office in England and in Scotland, it may be conjectured that the principal duties which it embraced, at this period, regarded those suits which affected the revenue or emolument of the king.

The office of Chancellor, next in dignity to that of the justiciar, is certainly as ancient as the reign of Alexander the First; but the precise nature of the authority committed to this great officer at this remote era of our history cannot be easily ascertained; and where authentic records do not demonstrate its limits, speculation is idle and unsatisfactory. It existed at a very early period in France, under the reign of Charlemagne; it is found in England in the Saxon times; but it was not till a much later period in Scotland, when the traces of a Celtic government became faint and almost imperceptible, and the Gothic race of the Saxons and the Scoto-Normans drove back the Celtic people into the remoter regions of the country, that Herbert the chancellor appears amongst the officers of the crown.[7] From this period, down to the coronation of Bruce, the industry of Chalmers has given a series of these great officers; and without entering into any antiquarian or etymological discussion, we have an authentic muniment in the contract of marriage between the son of Edward the First

[1] Dalyel's Desultory Reflections on the Ancient State of Scotland, p. 43. See Chamberlains' Accounts, Excerpta ex Rotulo Compotorum Tempore Regis Alex. III. vol. i. p. 8.

[2] The Justiciarius Laudoniæ appears in the year 1263, under Alexander the Third. Chamberlains' Accounts, Excerpta ex Rotulo Compot. Temp. Alexandri III. p. 15.

[3] In the Excerpta ex Rotulo Compot. Temp. Custodum Regni, p. 58, there appears "William St Clair, Justiciarius Galwythie."

[4] Ryley's Placita, p 504.

[5] Cartulary of Lindores, p. 10. MS. Monast. Scotiæ, p. 26, quoted in Caledonia, p. 707. Robertson's Index, pp. 67, 74.

[6] Spelman's Glossarium, p. 399. Chamberlains' Accounts, Excerpta ex Rotul. Compot. Tempore Alex. III. pp. 29, 42.

[7] Crawford's Officers of State, p. 4.

and the Maiden of Norway, by which it appears that the custody of the king's seal, the examination of all writs which received the royal signature, and the cancelling or refusing the royal sanction to such deeds as appeared irregular, were then the chief duties of this officer. In addition to this, the Chancellor was the most intimate councillor of the king: he was always lodged near the royal person; he attended the sovereign wherever he went, both in peace and war; and was generally witness to his charters, letters, and proclamations.[1] This great office continued, as is well known, down to the period of the union of the kingdoms; an existence, if we compute from its appearance under Alexander the First, of nearly six centuries.

It has been already observed that the supremacy of the civil and criminal jurisdiction of the great justiciars was limited by some exceptions; and the first of these is to be found in the existence of the ancient office of sheriff, the earliest appearance of which is to be found in the beginning of the twelfth century, under the reign of Alexander the First.[2] This, however, is the very dawn of the institution; and the division of Scotland into regular and certain sheriffdoms must be referred to a much later era. It seems to be a sound opinion of the author of Caledonia, that "sheriffdoms were gradually laid out, as the Scoto-Saxon people gained upon the Gaelic inhabitants, and as the modern law, introduced by the Saxons, prevailed over the ruder institutions of our Celtic forefathers."[3] Previous to the conclusion of that division of our national history, which this author has termed the Scoto-Saxon period, extending from 1097 to 1306, the whole of Scotland, with the exception of Argyle, Galloway, and the western coast, had been progressively divided into sheriffdoms.

Many of these offices, the appointment to which was originally in the crown, had, at this early period, become hereditary in certain families; and, in imitation of the regal state, every greater baron appears to have appointed his sheriff,[4] in the same manner as we find many of these petty feudal and ecclesiastical princes surrounded by their chamberlains, chancellors, mareschals, and seneschals. It is certain, from the evidence of authentic records, that the term *schire* was anciently given to districts of much smaller extent than the sheriffships of the present day. In the foundation charter of William the Lion to the Abbey of Aberbrothoc, we find the shires of Aberbrothoc, of Denechyn, of Kingoldrum, and of Athyn; and in the Cartulary of the Abbey of Dunfermline, Dumfermelineschire, Dolorshire, Newburnshire, Musselburghshire, with the shires of Gelland and Gaitmilk. Over these minute divisions we do not discover any presiding judge enjoying the title of sheriff. Previous, however, to the memorable year 1296, these smaller divisions had disappeared; and the different enactments of Edward the First, preserved in the volumes of Prynne and Rymer, present us with an exact enumeration of thirty-four sheriffdoms, over most of which a separate sheriff presided.[5] The jurisdiction of this judge, both in civil and in criminal cases, appears to have been extensive, and within his own district nearly as unlimited as that of the great justiciars throughout the kingdom.

Under that savage state of feudal liberty, which lasted for many centuries in Scotland, all the higher nobles, both civil and ecclesiastical, enjoyed the power of holding their own court, and deciding causes where the parties were their vassals. The origin of this is curious. At a very early period, probably about the middle of the twelfth century, in the reign of Malcolm the Fourth, the land of Scotland began to be partially divided

[1] Rymer's Fœdera, vol. ii. p. 483. Balfour's Practicks, p. 15.

[2] Dalrymple's Collections, p. 405. Charta Fundacionis Abbacie apud Schelechyrch, nunc Selkrig.

[3] Caledonia, p. 715.

[4] Cart. of Glasgow, 103-5, quoted in Caledonia, p. 716. Cart. Newbottle, p. 89.

[5] Robertson's Index to the Charters. Notes to the Introduction, p. xl.

into royalty and regality. Those parts which were distinguished by the term royalty were subjected to the jurisdiction of the king and his judges; the districts, on the other hand, which were comprehended under the name of regalities acknowledged the jurisdiction of those ecclesiastics or nobles who had received a grant of lands from the crown, with the rights of regality annexed to it.

The clergy appear to have been the first who, in the charters of lands which they often procured from the crown, prevailed upon the sovereign to convey to them the right of holding their own courts, and to grant them an immunity from the jurisdiction of all superior judges. As early as the reign of Alexander the First, a royal charter conferred upon the monks of the Abbey of Scone the right of holding their own court in the fullest manner, and of giving judgment either by combat, by iron, or by water; together with all privileges pertaining to their court; including the right in all persons resident within their territory of refusing to answer except in their own proper court.[1] This right of exclusive jurisdiction was confirmed by four successive monarchs. The same grants were enjoyed, as we know from authentic documents, by the Bishop of St Andrews, and the Abbots of Holyrood, Dunfermline, Kelso, and Aberbrothoc, and, we may presume, on strong grounds, by every religious house in the kingdom. These powers of jurisdiction excluded the authority or interference of every other judge, of which we have decided proof in the Cartulary of Aberbrothoc.[2] It appears that in the year 1299 the abbot of that house repledged from the court of the king's justiciar, which was held at Aberdeen, one of his own men, upon pleading the privilege of the regality of Aberbrothoc; and in imitation of the clergy, the higher barons soon procured from the royal fear or munificence the same judicial rights and exemptions, which they in their turn conveyed to their vassals.

A superior baron in those ancient times was thus in every respect a king in miniature. Surrounded by the officers of his little feudal court, he possessed the privilege of dispensing justice, or what he chose to term justice, amongst his numerous vassals; he was the supreme criminal judge within his far-extended territories, and enjoyed the power of life and death, of imprisonment within his own dungeon, and of reclaiming from the court, even of the high justiciar, any subject or vassal who lived upon his lands. Can we wonder that, in the course of years, men, possessed of such high and independent privileges, became too powerful for the crown itself? It was in consequence of this that Bruce, in the disposition of many immense estates, which were forfeited for their determined opposition to his claim to the crown, bestowed them in smaller divisions upon new proprietors, who rose upon the ruins of these ancient houses.[3] The frequent grants of these estates by Bruce diminished the strength of the ancient aristocracy; but it is evident, at the same time, that, as the new charters frequently conveyed along with the lands the rights of holding their own court, the power which had controlled the crown during the struggle of this great prince for his kingdom was rather divided than diminished; so that the new barons, under the weak reign and long captivity of his successor, became as independent and tyrannical as before. When we come to consider the origin of the royal burghs, and the privileges conferred upon them by the sovereign, we shall discover a different and inferior judicial power, which extended to the determination of all causes arising within the limits of their jurisdiction.

In this brief sketch of our civil history it is impossible to enter into details upon the great subject of the law of the kingdom, as it existed during this remote period; but it may be generally remarked, that in the courts of the great justiciaries, as well as in

[1] Cartulary of Scone, p. 16.
[2] Cartulary of Aberbrothoc, p. 19.
[3] Robertson's Index. Charters of Robert the First.

those held by inferior officers of justice throughout the realm, most causes of importance appear to have been determined by the opinion of an assize, or an inquest; a mode of legal decision which we can discern as early as the reign of William the Lion. In the year 1184, we find an inquest appointed to decide a dispute regarding the pasturage of the king's forest, which had arisen between the monks of Melrose and the men of Wedale. The inquest, which consisted of twelve "good men," *fideles homines*, and Richard Moreville the constable, were sworn on the relics of the Church, and sat in presence of the king, his brother David, earl of Huntingdon, and the prelates and nobles of the court. It is probable, although it cannot be affirmed with certainty, that, even at this early age, the opinion of the majority of this jury of thirteen decided the case, and that unanimity was not required.[1]

In an inferior dispute, which seems to have arisen between the monastery of Soltre and the inhabitants of the manor of Crailing, in the year 1271, regarding the right of the monks to a thrave of corn every harvest out of the manor, the cause was determined by a jury summoned from the three contiguous manors of Eckford, Upper Crailing, and of Hetun, who, under the title of *Antiquiores patriæ*, decided it in favour of the monks of Soltre.[2]

The office of constable, which appears in Scotland as early as the reign of Alexander the First, was exclusively military, and undoubtedly of Norman origin. This great officer was the leader of the military power of the kingdom. In England, we find him in 1163 denominated indiscriminately constabularius and princeps militiæ;[3] and there is every reason to believe that the province of the constable, as head of the army, was the same in both countries. What was the exact distinction in our own country between the office of the mareschal and the constable it is not easy to determine. That they were different appears certain from the fact that we find a mareschal and a constable under the same monarch, and held by different persons; but we have no authentic record which describes the nature of the duties which devolved upon the mareschal, although there is no doubt that both offices, at an early period, became hereditary in certain great families.[4] The offices of the seneschal, or high steward, and of the chamberlain, belonged to the personal estate of the sovereign; and those who held them enjoyed the supreme authority in the management of the king's household, and in the regulation of the royal revenue. Both are as ancient as the reign of David the first; and the rolls of the royal expenditure, and receipts of the various items and articles of revenue, which were kept by the chamberlain, in his capacity of treasurer, still fortunately remain to us,—a most curious and instructive monument of the state of the times. The offices of inferior interest, though of equal antiquity—the panetarius, or royal butler; the hostiarius, or keeper of the king's door; the pincerna, or cupbearer; to which we may add the keepers of the king's hounds, the royal falconers, the keeper of the wardrobe, the clerk of the kitchen, and various other inferior dignitaries—sufficiently explain themselves, and indicate a considerable degree of personal state and splendour.

To whatever spot the king moved his court, he was commonly attended by the great officers of the crown, who were generally the richest and most powerful nobles of the realm. It will be recollected also that such high barons were, in their turn, encircled by their own seneschals, chamberlains, constables, and personal attendants, and brought in their train an assemblage of knights, squires, and inferior barons, who regarded their feudal lord as a master to whom they owed a more paramount allegiance than even to their king. To these officers, knights, and vassals, who, with their

[1] Chron. Melrose, p. 176. Cartul. of Melrose, p. 64. Chalmers' Caledonia, pp. 752, 753.

[2] Cartul. of Soltre, No. 17.

[3] Math. Paris, p. 1028, l. 63, l. 11. Twysden, x. scrip. vol. ii. Glossary.

[4] Chalmers' Caledonia, pp. 709, 710.

own soldiers and martial dependants, constituted what was termed the "following" of every great baron, his voice was, in the most strict and literal meaning, a supreme law, his service their only road to distinction. This has been sometimes called the principle of honour; but as their neglect was sure to be visited with punishment, if not with utter ruin and degradation, it was, in truth, a lower principle—of selfishness and necessity, which limited their duties to the single business of supporting their liege lord against those whom he chose to esteem his enemies. None, indeed, can attentively read the history of those dark times without being aware that the immense body of the feudal vassals and military retainers throughout Scotland regarded the desertion of their king, or their leaguing themselves against the liberty of their country, as a crime of infinitely lighter dye than a single act of disobedience to the commands of their liege lord; and, considered in this light, we must view the feudal system, notwithstanding all the noble and romantic associations with which it has invested itself, as having been undoubtedly, in our own country, a principal obstruction to the progress of liberty and improvement. We shall conclude our remarks upon the distinction of ranks in Scotland by some observations upon the state of the lower classes of the people during this important period of our history.

These classes seem to have been divided into two distinct orders. They were, first, the free farmers, or tenants of the crown, of the church, and of the greater or lesser barons, who held their lands under lease for a certain rent, were possessed of considerable wealth, and enjoyed the full power of settlement in any part of the country which they chose to select, or under any landlord whom they preferred. This class is generally known in the books of the Chamberlains' Accounts by the title of "*liberi firmarii*;" and a convincing proof of their personal freedom at an early period is to be found in the fact, which we learn from the same curious and instructive records, that the farmers of the king possessed the full power of removing from the property of the crown to a more eligible situation. During the minority of the Maiden of Norway a sum of money was advanced to the farmers of the king, in order to prevail upon them to remain on the crown lands of Liberton and Laurencetown, which they were about to desert on account of a mortality amongst their cattle.[1] It was, I conjecture, this free body of feudal tenants who were liable to be called out on military service, and formed the great proportion of the Scottish infantry, or spearmen, in the composition of the army.

Very different from the condition of this first order was the second class of cottars, bondsmen, or villeyns. Their condition forms a marked and extraordinary feature in the history of the times. They were slaves who were sold with the land; and their master and purchaser possessed over their persons the same right of property which he exercised over the cattle upon his estate. They could not remove without his permission; wherever they settled, his right of property attached to them; and, whenever he pleased, he could reclaim them, with their whole chattels and effects, as effectually as he could seize on any animal which had strayed from his domain. Of this state of slavery innumerable examples are to be found in the Cartularies, establishing, beyond controversy, that a considerable portion of the labouring classes of the community was in a state of absolute servitude.

We find, for example, in the Cartulary of Dunfermline, that three bondsmen, Allan, the son of Constantine, with his two sons, had in 1340 transferred themselves from the lands of the abbot of this religious house to some other habitation, under pretence that they were the villeyns of Duncan,

1 "Item firmariis regis terre de Liberton et Laurancyston quorum animalia anno predicto moriebantur ad valorem x librarum iii. c. de gracia ad presens, et ne exeant terram regis in paupertate, et ne terra regis jaceat inculta."—Chamberlains' Accounts, Temp. Custodum Regni, p. 65.

earl of Fife. On being ordered to come back to their own master they had refused, upon which an inquest was summoned, for the purpose of determining to whom Allan, the son of Constantine, and his sons, belonged; when it was found that they were the property of the abbot.[1]

So early as the year 1178, William the Lion made a donation of Gillandrean M'Suthen and his children to the monks of Dunfermline for ever.[2] We find that David the First, in 1144, granted to the Abbot of Kelso the church of Lesmahago, along with the lands of the same name, and their men; and still later, in 1222, the Prior and the Convent of St Andrews, by an express charter, which is still preserved, permit a bondsman and his children to change his master, and to carry his property along with him.[3] In the year 1258, Malise, earl of Strathern, gave to the monks of Inchaffray, for the safety of his own soul and the souls of his ancestors and successors, John, surnamed Starnes, the son of Thomas, and grandson of Thor, with his whole property, and the children which he had begotten, or might beget;[4] and this for ever.

When a grant of land was made by the king, or by any of his nobility, either for military service or to be held *blench* for the payment of a nominal feu-duty, it carried along with it to the vassal the power of removing the tenants, with their cattle, provided they were not native bondsmen. The right to these, and the power of reclaiming them, remained in the person of the lord of the soil, or feudal superior. Thus, in a valuable collection of ancient papers, we find a charter by which one of the Roberts confers upon Maria Comyn certain lands, "cum licentia abducendi tenentes, cum bovis suis, a terris, si non sint nativi et ligii homines."[5]

In consequence of this certain and acknowledged right, in the feudal landlord or baron, to the property of his bondsmen, with their children and children's children for ever, it became a matter of great consequence to ascertain with exactness, and to preserve, the genealogy of this unfortunate class of men, in order that, upon any desertion or removal, the power of reclaiming them might be exerted with certainty and success. Accordingly, the Cartularies present us with frequent examples of genealogies of this sort.[6] The names of these bondsmen are essentially different from the free-born vassals and tenants, who commonly took their names from their lands. In an ancient deed, entitled a perambulation to determine the boundaries between the lands of the Abbot of Dunfermline and those of David Doorward, which took place in the year 1231, under Alexander the Second, the names of the landholders and minor barons, and of the bondsmen who attended upon this occasion, are easily distinguishable from each other. We meet with Constantine de Lochor, and Philip de Loch, and many others, after which occur such uncouth appellatives as the following:—Gillecostentin, Bredinlamb, Gilleserfmac Rolf, Gillecolmmacmelg, John Trodi, Riscoloc, Beth MacLood, Gillepatric Macmanethin; and it may be noticed as a singular circumstance, which proves how different were the habits and customs of this degraded class from the freemen of the same country, that the father does not seem to have transmitted his name or surname to his children, or, at least, that this did not necessarily happen. In the genealogy of John Scoloc, which is preserved in the Cartulary of Dunfermline, the son of Patrick Stursarauch was Allan Gilgrewer, and the son of Allan Gil-

[1] Cartulary of Dunfermline, p. 654. M'Farlane's Transcript. The folio in the original 98.

[2] Ibid. folio 13.

[3] MS. Monasticon Scotiæ, p. 33; quoted in Chalmers' Caledonia, vol. i. p. 720, and MS. Original Charters in Advocates' Library, No. 27. See Dalzel's Fragments of Scottish History, p. 23. See also Cartulary of Kelso, p. 9, as to the bondage of the labourers in the time of Alexander the First, and the Cartulary of Dunfermline, M'Farlane's Transcript, pp. 592, 593.

[4] Cartulary of Inchaffray, p. 36; quoted in Annals of Scotland, vol. i. p. 304.

[5] Haddington's Collections, quoted by Dalzel, Fragments, p. 27.

[6] Cartul. of Dunferm. pp. 145, 146. See Illustrations, letters PP

grewer was John Scoloc.[1] It seems certain that no change in the situation of these bondsmen, by which they rose in eminence or opulence, could have the effect of removing them from their original degraded condition. They might enter the Church and become clerks, or continue laymen, and pursue a successful career as artisans or merchants, but they were still as much slaves as before; and, till the time they purchased or procured their liberty by the grant of their master, their persons, profits, and whole estate belonged exclusively to him. This is strikingly exemplified in a convention preserved in the Cartulary of Moray, which took place between Andrew, the bishop of that see, and Walter Comyn. It was agreed, in this deed, that the Bishop of Moray and his successors in the see should have all the clerks, and two laymen, whose names were Gillemalavock Macnakengello, and Sythach Macmallon; these clerical and lay bondsmen, the deed proceeds to say, are to belong to the bishop and his successors, with their cattle, possessions, and children for ever; while the Lord Walter Comyn is to have all the remaining lay bondsmen of the lands of Logykenny and Inverdrummyn.[2] It may perhaps be doubted whether the *clerici nativi* here spoken of do actually mean bondsmen who have become clerks, or may perhaps merely signify bondsmen belonging to Church lands. Yet the words of the deed, and the marked opposition in which we find the words *clerici et laici nativi*, seem to favour the meaning here attached to it.

In England, under the government of the conqueror, it was the mark of freemen that they could travel where they chose; and exactly the same criterion was established in our own country. In Doomsday Book, a Norman baron, Hugo de Port, is mentioned as the master of two tenants, who, in the days of Edward the Confessor, might go where they pleased without leave. In like manner Robert Bruce, in the year 1320, grants a charter to Ade, the son of Aldan, in which he declares that it had been found, by an inquest held before his chamberlain and justiciary, that this person was not the king's slave or bondsman, but was at liberty to remove himself and his children, with their goods and chattels, to any part of the kingdom which he might select, at his own will and pleasure, without molestation by any one: on which account the king declares the said Ade, with his sons, Beth, John, Ranald, and Duncan, to be his freemen, and as such not subject to any yoke or burden of servitude for ever.[3] As the master could reclaim his fugitive bondsman from any place to which he had transferred himself, so it was in his power alone to make his slave a freeman whenever he pleased. Thus, by a charter, dated at Perth on the 28th February 1369, David the Second intimates to all concerned that he has made William, the son of John, the bearer of these letters, who was his slave and bondsman, his freeman, and had emancipated all his posterity; so that he had full right, without trouble or molestation, to travel with his property and his children to whatever place he chose, and there take up his abode.[4] Many examples of the manumission of such unfortunate persons by their baronial masters, and still more frequent instances of the gift of freedom, conferred by the rich ecclesiastics and religious houses, are to be found in records of undoubted authenticity.[5] But the progress of freedom amongst the labourers of the soil was exceedingly slow and gradual; the names which are indicative of this degraded condition, such as nativi,

[1] Cartulary of Dunfermline, p. 145. M'Farlane's Transcript. See Illustrations, letters QQ.

[2] Cartulary of Moray, pp 53, 54. See Illustrations, letters PP. Caledonia, p. 721.

[3] Henshall's Specimens, p. 74. "Præter hoc habet Hugo duos homines tenentes dimidium solinum, qui poterant tempore Regis Edwardi ire quolibet sine licentia." Doomsday Book, 601. Robertson's Index to the Charters, Postscript, p. 54, and Index, p. 16, No. 26. In Robertson's Index, P.S. p. 54, will be found another curious deed, illustrative of the condition of the "nativi homines," which is taken from an original in the Advocates' Library.

[4] Robertson's Index, pp. 89, 47, 66.

[5] See Illustrations, letters PP.

servi, villani, homines fugitivi, bondi, mancipii, occur throughout the whole period of the thirteenth and fourteenth centuries; nor is it prior to the fifteenth that we can discern the extinction of slavery, and the complete establishment of individual freedom. In Scotland, bondage appears to have been sooner abolished than in the sister country. It continued in force in England as late as the year 1536; and its last traces are still discoverable in 1574, when a commission was issued by Elizabeth for the complete manumission of the last relics of bondsmen and bondswomen in her dominions.[1]

SECTION III.

ANCIENT PARLIAMENT OF SCOTLAND.

In the course of these observations, a subject of great interest and importance now presents itself, the satisfactory elucidation of which would require many pages of careful and laborious investigation: I mean the history and constitution of the Ancient Parliament of Scotland.

Long before the existence of the word parliament, or the mention of the three estates of the kingdom, in our authentic histories or records, the sovereign of Scotland, like every other contemporary feudal monarch, was accustomed to consult, on occasions of solemnity and importance, with his high council; consisting of the bishops and abbots, the great officers of the crown, and the most powerful nobles and barons of the realm; but nothing resembling a regular parliament is to be found during the reigns of Alexander the First, or of his brother David. The bold and imperious character of Alexander seems, indeed, to have stretched the royal prerogative to the utmost extent; and, from the few and imperfect records of his short reign which yet remain to us, he appears to have been his own chief-councillor; but it is more remarkable that we look in vain for a parliament, or for any solemn assembly of the estates of the realm, under the long reign of David the First, although he has been pronounced by Buchanan, an impartial witness when kings are the subject, the most perfect model of a wise and virtuous prince. Yet David was undoubtedly a legislator; and on one memorable occasion, the death of the heir-apparent, his only son, Prince Henry, he adopted the most solemn measures for the regulation of the succession.

It will, perhaps, be recollected by the reader, that, under the reign of Robert Bruce, when the death of the young Steward rendered necessary some new enactments regarding the succession to the throne, a parliament assembled, in which the entail of the crown was solemnly settled upon Robert the Second and his descendants. Now, David the First, in 1152, had exactly the same task to perform as Bruce in 1318. But the mode in which it was executed was entirely different. He called no parliament. We do not even discover that he took the advice of his royal council, or of his nobility. But he assembled an army, of which he gave the command to one of the most powerful of his nobles, and, delivering to him his infant grandson, commanded him to march through his dominions, and to proclaim him heir to the crown;[2] a circumstance from which there arises a strong presumption that, at this period, a parliament was unknown in Scotland.

Neither do we find this great council under the reign of his successor, Malcolm the Fourth. Lord Hailes, indeed, in his Annals has stated that Malcolm, with the advice of his parliament, gave his sisters, Ada and Margaret, in marriage to the Counts of Holland and Brittany; but the words of Fordun, if accurately understood, do not appear to bear such meaning, and the conjecture which the same author has added, in a note, is the true sense:—"Malcolmus subsidio suorum et consilio," implies nothing more than that Malcolm, with the "assistance and advice of his nobles," married his sisters: the assistance here spoken of was probably an aid or

[1] Barrington on the Statutes, pp. 247, 351.

[2] Simeon Dunelm. p. 280.

grant of money, given to the king to make up the marriage portions of the young princesses; but there is not the slightest proof that a parliament was assembled, during the reign of Malcolm, upon this or any other occasion.[1]

In 1174, William the Lion, the successor of Malcolm the Fourth, having been taken prisoner by the English, after a short confinement at Richmond, was sent, by Henry the Second, to a more secure and distant dungeon at Falaise, in Normandy. The event called for an immediate interference of those upon whom the principal management of the government devolved; and it is well known that, in the name of the nation, a disgraceful transaction took place, by which the king, with consent of the Scottish barons and clergy, purchased his liberty at the price of the independence of the country. The principal fortresses of the kingdom, and some of the highest barons of the realm, were placed in the hands of the English king, as hostages for the performance of this treaty; yet this whole transaction, which gave liberty to a king, and extorted from the nobles an acknowledgment of feudal superiority in the English crown, was carried through without a parliament.

Upon the accession of Richard the First, that crusading monarch, anxious to collect money for his expeditions to the Holy Land, proposed to restore to the same prince who had resigned it the independence of the nation, upon payment of ten thousand marks, somewhat more than a hundred thousand pounds of our present money. This sum, we learn from authentic evidence in the Cartulary of Scone,[2] was collected by means of an aid granted by the clergy and the nobles; and it is remarkable that there is not the slightest mention of a parliament in the course of the whole transaction. Not long before his death, the same monarch concluded a peace with King John of England; by one of the articles of which he engaged to pay to this prince the large sum of fifteen thousand marks. This could not be done without assistance: and, when the term of settlement arrived, "a great council," says Fordun, "was held at Stirling, in which, having requested an aid from his nobility, they promised to contribute ten thousand marks, besides the burgesses of the kingdom, who agreed to give him six thousand."[3] That this was a national council, and not merely a consultation of the king with his great officers, is, I think, evident from an expression of Benedictus Abbas, when describing the consideration given by William to a proposal of Henry the Second, for a marriage between the Scottish prince and Ermingarde de Beaumont, as contrasted with the words used by Fordun. "Rex, habito cum familiaribus consilio, tandem adquievit," are the words used by the first-mentioned historian;[4] and they are essentially different from the expression of Fordun.[5] Yet, upon what grounds shall we presume to call this great council a parliament, when no evidence remains to us that the spiritual estate were assembled at all, or that a single burgess or merchant sat in the assembly, although the royal burghs, as towns belonging to the king, were obliged to contribute their share in the public burden?

We shall, I think, be confirmed in this opinion by an examination of some of the great public transactions of the succeeding reign of Alexander the Second. Upon the marriage of this monarch with an English princess, Joan, the sister of Henry the Third, it naturally happened that many intricate discussions and grave and material stipulations took place; yet these, as well as the settlement of the jointure of the princess, were discussed, and finally concluded without the intervention of a parliament. And the same observation may be made on the second marriage of this prince with Mary de Couci.[6] On

[1] Fordun a Goodal, book viii. chap. iv. Hailes' Annals, vol. i. p. 124, 8vo edition.
[2] Cartulary of Scone, f. 10. Hailes' Annals, vol. i. p. 156.
[3] Fordun a Goodal, lib. viii. chap. lxxiii. vol. i. p. 529.
[4] Benedictus Abbas, p. 448.
[5] Fordun a Goodal, vol. i. p. 529.
[6] Math. Paris, p. 411. Ed. a Wats.

another occasion, when Alexander, in 1224, levied an aid of ten thousand pounds, for providing portions to his sisters, it was granted, or rather imposed upon the nation, by the simple order of the king, without the slightest appearance of a meeting of the three estates, or even of the council of the king;[1] and although we are informed by Fordun, that the same monarch, immediately after his coronation, held his parliament at Edinburgh, in which he confirmed to the chancellor, constable, and chamberlain, the same high offices which they had enjoyed under his father,[2] the expression is so vague, and the notice so brief, that no certain inference can be deduced from it. On the contrary, although he was one of the wisest and most popular of our early kings; although statutes of his enactment have come down to us, and his reign is fertile in domestic troubles and in foreign war, a careful examination of our authentic historical records has failed to discover a single instance, if we except the above, in which a parliament was assembled; and the government appears to have been entirely directed and controlled by the will of the king, and the advice and assistance of the great officers of the crown.

Upon the accession of Alexander the Third there was no change in this respect. The important public measure of the marriage of their youthful king with a daughter of Henry the Third; the appointment of counsellors, who were intrusted with the management of the kingdom during the minority of the sovereign; and the frequent changes in the regency which occurred in the stormy commencement of this reign, were wholly carried through without a parliament.[3] But we shall not wonder at this, when one of the most important transactions of his reign, the settlement of the disputes with Norway, and the acquisition of the Western Isles, involving an intricate and laborious treaty with that kingdom, a grant of money, and a yearly payment of a hundred marks, was concluded entirely by the king. The words, "habito super hoc maturo avisamento," which are used by Fordun, cannot, by the utmost ingenuity, be construed into anything more than a consultation between the king and his council.[4] The mode of considering the expediency of any public measure during this reign, appears to have been by the king holding a council, or colloquy, with the officers of the crown, and, probably, the most powerful of the nobility. In the year 1264, when the treaty with Norway was in agitation, Alexander held two colloquies of this kind at Edinburgh; and the accounts of the Chamberlain inform us that, on this occasion, the carcasses of twenty-seven cows, six calves, and fourscore of sheep, were sent to the capital for the consumption of the king's household.[5]

On the death of the Prince of Scotland, and of his sister, the Queen of Norway, events which left this monarch with an infant grandchild as the only heir to the crown, it became necessary, for the peace and welfare of the kingdom, that there should be a settlement of the succession; and it is fortunate that, in two authentic historians, we have a clear, although exceedingly brief, account of this transaction. Winton informs us that Alexander the Third "caused make a great gathering of the states at Scone;" and by an original and contemporary record in Rymer, it is shewn that in this "gathering," which took place on the 5th February 1283–4, the Scottish nobles bound themselves by a solemn oath to acknowledge Margaret, princess of Norway, as their lawful queen, fail-

[1] Fordun a Goodal, vol. ii. p. 53.

[2] Ibid. vol. ii. p. 34.

[3] Ibid. vol. ii. pp. 84, 85, 90, 91. In the year 1259, we find in Math. Paris, p. 844, Ed. a Wats., that W. de Horton, a commissioner from Henry the Third to the King of Scotland, on his arrival in that country, found the king and queen, and the nobility of the realm, assembled in parliament; but of this parliament we have no evidence in Fordun, or Winton, or any authentic record. It was in all probability a mere assembly of the court.

[4] Fordun a Goodal, vol. ii. p. 102.

[5] "In viginti septem carcosiis vaccarum et vi. vacc. et. iiijxx. multonibus empt. ad servicium Dni Regis ad duo Colloquia que tenebantur apud Edinburgh, anno MCCLXIV."—Chamberlains' Accounts, vol. i. p. 52. Compotum Vicecom. de Edinburgh, Temp. Alex. III

ing any children of the monarch then on the throne, or of the Prince of Scotland deceased.[1] The expressions used by Fordun in describing the same assembly denominate it a council of the prelates and nobles of the realm.[2] Neither of these historians makes use of the word parliament in recording this event; nor is there the slightest evidence of the appearance of the representatives of the burghs upon this occasion; and, as Alexander the Third died soon after, we must conclude that, during his whole reign, there is no evidence that a parliament, in the sense in which that word was used in England under Edward the First, ever sat in Scotland.

Upon the death of this monarch, and the subsequent calamities in which the kingdom was involved by the ambition and injustice of Edward the First, we begin to discern something like the appearance of the great national council; and it is a remarkable fact that, from the greatest and bitterest enemy who ever coped with this country, we should have derived our first ideas regarding a regular parliament, composed of the prelates, barons, and representatives of the royal burghs. But this, as may be naturally conjectured, was not a sudden, but a gradual change, of which the history is both interesting and important.

Immediately after the death of Alexander the Third, we are informed by Winton that there was a meeting of the estates of Scotland, who held a parliament, in which they appointed six regents to govern the kingdom. It is to be observed that this is the first time that the word parliament is used by this historian; but unfortunately no authentic record of its proceedings has been preserved; and Fordun is even silent as to its existence.[3] With regard, however, to a meeting of the estates of Scotland, which, not long after this, took place at Brigham, we are fortunately not so much in the dark; as the record of it is preserved, and proves beyond a doubt the exact constitution of the great national council or parliament in 1289. It consisted of the five guardians or regents, ten bishops, twelve earls, twenty-three abbots, eleven priors, and forty-eight barons, who address themselves to Edward under the title of the Community of Scotland; and it is certain that, in this parliament held at Brigham, there is no appearance of the representatives of the burghs; an evident proof that, although called upon frequently to contribute their portion in the aids or grants of money which the exigencies of the kingdom required, they as yet had no place in the national council, and were not considered, in a legislative light, as part of the community of the realm.

In the treaty regarding the marriage of the Prince of Wales and the Maiden of Norway, which was concluded at Brigham, one of the articles expressly stipulates "that no parliament was ever to be held without the boundaries of Scotland;" but the deed itself throws no light upon the composition of this national council. The death of the Princess of Scotland, and the bold and unprincipled conduct of the English monarch, have been already detailed; and as the various conferences preparatory to the decision of the great question of the succession took place in an English parliament, although attended by the whole body of the Scottish nobility, it would be unsound to draw any inferences from this part of our history illustrative of the constitution of the ancient Scottish parliament; nor can we lay much stress on a passage in Fordun,[4] when he informs us that the parliament of Scotland afterwards declared to Baliol that he had been compelled to swear homage to Edward, "inconsultis tribus statibus regni." It is material, however, to observe, that when Edward, in the interval between the delivery of the Scottish fortresses and the production of the claims of the com-

[1] Winton, vol. i. p. 397, and Rymer, vol. ii. pp. 1091, and 582. Winton is in an error in making this gathering of the states in 1285, as it appears in the Fœdera to have been held 5th February 1283-4.

[2] Fordun a Goodal, vol. ii. p. 127.

[3] Winton, vol. ii. p. 10. Fordun a Hearne, p. 951.

[4] Fordun a Goodal, vol. ii. p. 152.

petitors, took his progress through Scotland for the purpose of exacting a general homage, he called upon the burgesses of the realm to come forward and take the oaths of allegiance; and that the first record in which we find the names of this important class in the community is an English deed, and the first monarch who considered their consent as a matter of public consequence, an English sovereign.[1]

Upon the accession of Baliol to the throne, we have seen the harshness and intolerance with which he was soon treated by his new master; and it is worthy of remark that in the parliament which was held by this unfortunate monarch immediately after these indignities had been offered him, there is the first authentic intimation that the *majores populi*, or chiefs of the people, formed a constituent part of this assembly.[2] This, therefore, is the first great national council in the history of our country which is truly entitled to be called a parliament: the first meeting of the estates, in which the clergy, the nobility, and the representatives or heads of the people, sat in deliberation upon the affairs of the country. It may, perhaps, be in the recollection of the reader that its proceedings were of a bold and determined description. They banished all Englishmen from Scotland; seized and confiscated the estates of the Anglo-Scottish nobles; compelled Baliol to renounce his homage and fealty; and resolved upon an immediate war with England.[3] In addition to this, the same parliament negotiated a marriage between a daughter of France and the eldest son of their sovereign; and the public instrument which contains the treaty entered into between France and Scotland upon this occasion affords another proof that the towns and burghs had arisen at this period into a consideration to which till now they had been strangers. In contains a clause which provides that it shall be corroborated by the seals and the signatures, not only of the prelates and nobles, but of the "*communitatis villarum regni Scotiæ*,"—meaning, evidently, the royal burghs of the kingdom.[4] The expression in another part of the treaty is, "*universitatis et communitatis notabiles regni*," which is equally clear and definite. I venture, therefore, to affirm, that as far as an examination of the most authentic records which have yet been discovered entitles us to judge on the subject, the first appearance of the royal burghs, as an integral part of the Scottish parliament, is to be found under the third parliament of Baliol; and that we probably owe their admission into the great national council to our bitter enemy, Edward the First. Could we discover the original record of this important parliament, the question would at once be set at rest; but the expression of Fordun, and the positive proof of the appearance of the burghs in the treaty with the King of France, appear to be conclusive upon the point.

In the long train of national calamities which followed this alliance with Philip we do not once meet with any event which throws light upon the constitution of our ancient parliament, till the period when Edward, after the death of Wallace and the surrender of the castle of Stirling, in the premature belief that his Scottish wars were ended, proceeded to organise a final settlement of his conquest. Upon this occasion, the persons whom he consulted were, the Bishop of Glasgow, Robert Bruce, afterwards king, and John de Mowbray. By their advice, he issued an ordinance, directing that the "Community of Scotland," meaning the states of the realm, should assemble at Perth on the 28th of May 1305, in order to elect ten commissioners, who were to repair to the English parliament, which was to be held at London. This number of ten persons, who were vested with full powers from the Scottish parliament, was to include two bishops, two abbots, two earls, two barons, and two members to represent the "Com-

[1] Fœdera, vol. ii. p. 573. Prynne, pp. 502, 512.

[2] Fordun a Goodal, vol. ii. p. 153. Hemingford, vol. i. p. 75, gives a different description as to the constitution of this parliament, but I prefer Fordun's authority.

[3] History, *supra*, pp. 41, 42.

[4] Rymer's Fœdera, vol. ii. p. 696.

mune," or community of burghs; a clear and satisfactory proof that their right to be represented in the great national council was now distinctly recognised, and that they stood in this respect upon the same ground as the two other estates of the kingdom.[1] It is unfortunate that no authentic record has come down to us of the proceedings of the Scottish parliament in which these ten commissioners were elected; but it may be presumed that the representatives of the burghs sat in the national council at Perth, and elected the two commissioners who were to appear for them in the English parliament at London. From this period till the year immediately subsequent to the battle of Bannockburn no parliament sat in Scotland. Perhaps it is more correct to say no record of any has been preserved, because an important council of the clergy which was held at Dundee, and in which a solemn instrument was drawn up respecting the succession to the crown, gives us some ground for supposing that about the same time a meeting of the three estates had taken place. In the year 1315, Bruce, whose only child was a daughter, yet unmarried, judging it prudent to settle the succession, assembled a parliament at Ayr, on the 26th April 1315; and we know, from the authentic evidence of the instrument drawn up at this time, that the heads of the communities or burghs sat in this parliament, and affixed their seals to the deed, along with the prelates, earls, and barons who were convoked upon this solemn occasion.[2] No other meaning can be given to the passage which affirms that the prelates, earls, barons, and heads of the communities or royal burghs, "majores communitatis," had appended their seals to the instrument.

The same observations may be made regarding the parliament which met at Scone in the year 1318, after the death of King Edward Bruce in Ireland; in which it was deemed necessary, by King Robert, to introduce some new regulations regarding the same subject,—the succession to the crown.[3] Of this assembly of the estates, as of the former, no original record remains; but the presence of the "communities" or burghs is proved by the copy of the original deed, which is preserved amongst the Harleian Manuscripts. In like manner, strong evidence is afforded by the famous letter of remonstrance, which was addressed to the Pope in the year 1320, that the burghs were now considered as an integral part of the parliament. This epistle was drawn up in a parliament held at Aberbrothoc; and, after enumerating in its exordium the names of the prelates, earls, and most noted of the barons present, it adds, the "libere tenentes ac tota communitas regni Scotiæ."[4]

Hitherto, as far as the history of the ancient parliament of Scotland has been examined, we have been compelled to be contented with such passages as afford, not indeed conclusive evidence, but certainly strong presumptions, that from the period of the reign of Baliol the representatives of the burghs appear to have been admitted into the great national council. But we have now reached the parliament which was held by Bruce at Cambuskenneth in 1326; and although the original record of this assembly of the estates has perished, with many other precious instruments which might have thrown a flood of light upon the obscure paths through which we have been travelling, an indenture has been preserved, which proves beyond a doubt that, besides the earls, barons, and freeholders, or *libere tenentes*, the representatives of the burghs sat in this parliament, and formed the third estate of the national council.[5]

[1] Palgrave's Parliamentary Writs, Introductory Chronological Abstract, p. 66.

[2] Fordun a Goodal, vol. ii. p. 258. Robertson's Index to the Charters, Appendix, pp. 7, 8. The original deed is now lost, although it appears to have been in the hands of Sir James Balfour, who made the copy which now exists amongst the Harleian Manuscripts, No. 4694.

[3] Fordun a Goodal, vol. ii. p. 290. Robertson's Index, Appendix, p. 9.

[4] Fordun a Goodal, vol. ii. p. 275.

[5] This indenture is printed in Kames' Law Tracts, Appendix, No. 4. Fordun a Goodal, vol. ii. p. 287.

The expressions of the historian Fordun upon this occasion are different from what he generally uses. "In this year," says he, "at Cambuskenneth, the clergy of Scotland, with the earls, barons, and whole body of the nobles, along with the people there assembled, took the oaths of allegiance and homage to David, the son and heir of their king." On such an occasion, Bruce, whose health was fast declining, would be naturally desirous that the oaths to his son and successor should be tendered in the midst of a numerous and solemn concourse of his people. It may be presumed, therefore, on strong grounds, that the chief men of every burgh in the kingdom would be admitted into the parliament at Cambuskenneth.

This is the last parliament of Bruce regarding which we have any certain account. There can be little doubt, however, that a parliament was assembled at Edinburgh, in which the peace of Northampton, which for ever secured the independence of the kingdom, was debated on, and finally adjusted; as we know that a treaty was concluded at Edinburgh on the 17th of March 1327, which was afterwards ratified by Edward the Third at Northampton, on the 4th of May 1328. It is satisfactory to find that the expressions of this treaty clearly demonstrate that the burghs had been consulted in its formation. It is said to be concluded with consent of the prelates, earls, barons, and other heads of the communities of the kingdom of Scotland.[1]

In that disgraceful parliament held by Edward Baliol at Edinburgh, in 1333, in which this prince gave up the independence of the nation, and, by a solemn instrument, actually dismembered the kingdom, and annexed a great portion of its territory to England, the burghs did not appear,[2] an exemption of which Scotland ought to be proud. It is evident, indeed, from the account of it preserved in the original record in the Fœdera, that the assembly was not so much a parliament as a meeting of Baliol's adherents, held under the direction and control of Geoffrey Scrope, chief justice of England.

From this period, for more than twenty years, the history of the country presents us with a frightful picture of foreign and domestic war; of the minority and captivity of the sovereign; and the intrigues and treasons of the nobles: with the enemy constantly at their gates, and fighting daily for their existence as a people. During all this time, no parliament appears to have assembled; and the different regents who successively held the reins of government were summarily chosen by the voices of the few nobles who continued to struggle for their liberty.[3] There is not preserved to us a single document from which we can conclude that the prelates, the barons, and the community of burghs, ever consulted together throughout all this disastrous period; but, to this era of obscurity and darkness, there succeeds a gleam of light, which suddenly breaks in upon us in the negotiations for the ransom of the captive king, and sets the question as to the constitution of the Scottish parliament in 1357 nearly at rest. In a parliament held this year at Edinburgh, we know, from the original instrument preserved in the Fœdera,[4] that the representatives or delegates of the seventeen royal burghs formed the third estate in this great council; and when the prelates and the barons chose their respective commissioners to carry through the final arrangement regarding the restoration of their king, and the payment of his ransom, the royal burghs nominated, for the same end,

[1] Robertson's Index, p. 103.

[2] Rymer's Fœdera, vol. iv. p. 590.

[3] In Fordun, book xiii. chap. xxii., xxv., xxvii., there are notices of the election of the Earl of Mar as regent, in a parliament held at Perth, 1332, and of the same high office being conferred, successively, on Sir Andrew Moray of Bothwell, in the same calamitous year, and on Archibald Douglas, in 1333; but the times were full of war and trouble, and all record of these elections has perished.

[4] Fœdera, vol. vi. pp. 43, 44, 45. It is evident, I think, that the royal burghs also sat in the parliament held at Perth on the 17th January 1356-7

eleven delegates, to whom ample powers were intrusted.[1]

It would have been impossible indeed for the nation to have paid the large ransom which was then exacted by England without the assistance of the class of the community which, next to the clergy, possessed the greatest command of ready money. It is important to observe that, in the record of the proceedings of this national council, which may be said to be the first Scottish parliament in which there is unquestionable evidence of the presence of the burghs as the third estate, the expressions employed in the instrument in Rymer are exactly the same as those which I have considered as demonstrative of the presence of the royal burghs in the parliaments of Baliol and Bruce. "De consensu et voluntate omnium comitum, procerum, et Baronum et Communitates regni Scotiæ."[2]

The records of the parliaments which were held by David after his return to his dominions in 1363, at Scone, being mutilated and imperfect, we are only able to say that the three estates were present;[3] but in the original record of the parliament held at Perth in 1364, it is not only certain that the representatives of the royal burghs formed the third estate, but the names of the worthy merchants who filled this important situation have been preserved.[4] Again, in a parliament held at Scone on the 20th July 1366, we find it stated in the initiatory clause that it consisted of those who were summoned to the parliament of the king according to ancient use and wont—namely, the bishops, abbots priors, earls, barons, and free tenants who hold of the king *in capite*, and certain burgesses who were summoned from each burgh to attend at this time, whilst, in a subsequent meeting of the great national council in the autumn of the year 1367, we find the earliest appearance of those committees of parliament which became afterwards so common, and, in all probability, gave rise to the later institution of the Lords of the Articles. It is stated that, in consequence of its being held at this season, "*causa autumni*," certain persons had been elected to hold the parliament, while permission was given to the rest of the members to return to their own business.[5] On this occasion thirteen burgesses were chosen by their brethren; the burghs of Edinburgh, Aberdeen, Perth, Dundee, Montrose, and Haddington, each being represented by two burgesses, and the burgh of Linlithgow by a single delegate. The expense and inconvenience occasioned by a summons to attend as members of the great national council are apparent in the record of a parliament which assembled at Scone, on the 12th of June 1368, and of a second meeting of the three estates, which took place at Perth on the 6th of March of the same year. In the firs the practice of obtaining a leave of absence, and sending commissioners in their place, appears to be fully recognised; and in the second we find the same measure again adopted, which is above alluded to, of making a selection of a committee of certain members, to whom the judicial business of the parliament, and the task of deliberating upon the affairs of the country, were intrusted, leave being given to the rest of the members to take their departure, and attend to their own concerns.

It has been already remarked,[6] that, in the last parliament of David the Second, which was held at Perth on

[1] Supra, p. 202.

[2] The consideration into which the burghs or the merchants of Scotland had arisen during those tedious negotiations for David's liberty, which called for an immediate supply of money, is evident from a deed in Rymer, vol. v. p. 723, in which the clergy, nobles, and merchants of Scotland gave their oaths for the fulfilment of certain conditions. It is dated 1351. And again, in the abortive treaty for the king's ransom, which was concluded in 1354, and which will be found in Rymer, vol. v. p. 793, certain merchants and burgesses of Aberdeen, Perth, Dundee, and Edinburgh, became bound for the whole body of the merchants of Scotland.

[3] Robertson's Parliamentary Records, pp. 96, 100.

[4] Ibid. p. 101.

[5] Robertson's Parliamentary Records, pp. 105, 108.

[6] Supra, p. 229.

the 18th of February 1369, this new practice of choosing committees of parliament was carried to a dangerous excess. To one of these committees, composed of six members selected from the clergy, fourteen from the barons, and six from the burgesses, was committed the decision of all judicial pleas and complaints, which belonged to the parliament; and to the other, which included in its numbers the clergy and the barons alone, was intrusted the consideration of certain special and secret affairs touching the sovereign and the kingdom, which it was thought expedient should be discussed by them alone previous to their coming to the knowledge of the great council of the nation.[1]

I have endeavoured to trace the history of the ancient constitution of our Scottish parliament from the earliest appearance of a national council to the era of the full admission of the burghs as a third estate. Guided in our investigation by the sure light of authentic records and muniments, or of almost contemporary historians, we have seen the earliest appearance of the commons or burghs under Baliol; their increased consequence in the conclusion of the reign of Bruce; and their certain and established right of representation during the reign of David the Second; and, in concluding this division of our subject, it may be remarked that the employment of the great national council in a judicial as well as a legislative capacity cannot be traced to an earlier period than the reign of this monarch.

SECTION IV.

EARLY COMMERCE AND NAVIGATION.

In the course of these observations upon the condition of the country during this remote period of our history, its commercial wealth and the state of its early manufactures are subjects of great interest, upon which it will be necessary to offer some remarks; and both points are so intimately connected with the navigation of the country, that it will be impossible to advert to the one without attending to the other. The general prosperity of the kingdom under the reign of Alexander the Third has already been noticed; and there is even reason to believe that, at an infinitely more remote period, the Scots had established a commercial intercourse with the continent, and, in the end of the sixth century, imported fine linen from foreign parts.[2] Under the reign of Macbeth—a monarch whom the patient research of our antiquaries has rescued from the region of fable and the immortal libels of Shakespeare—the kingdom was wealthy; and, from the discovery of large quantities of money coined by Canute, the almost contemporary King of England, we may infer the existence of some foreign commerce. It is certain that, in a pilgrimage to Rome, this king exhibited a liberality in distributing money to the poor which was considered remarkable even in that rich resort of opulent pilgrims.[3] The rich dresses which were imported by Malcolm the Third, the Asiatic luxuries of Alexander the First, and the grant by Edgar to the church of Durham of the duties on ships which entered the ports of a certain district in his dominions, all denote the existence of a trade with foreign countries.

Under the subsequent prosperous and able reign of David the First, the evidence of the Cartularies, and the minute and interesting details of his friend and biographer, Ethelred, enable us to form some idea of the commercial wealth of the nation. Scotland was, at this period, visited by many foreign ships; and the merchants of distant countries traded and exchanged their commodities with her opulent burghers. It was the praise of this monarch, to use the language of Fordun, "that he enriched the ports of

[1] Robertson's Parliamentary Records, p. 117.

[2] Macpherson's Notes on Winton, vol. ii. p. 479.

[3] A. D. ML. "Rex Scotiæ Machetad Rome argentum seminando pauperibus distribuit." Marianus Scotus. Macpherson's Notes on Winton, vol. ii. pp. 469, 479.

his kingdom with foreign merchandise, and to the wealth of his own land added the riches and the luxuries of foreign nations; that he changed its coarse stuffs for precious vestments, and covered its ancient nakedness with purple and fine linen."[1] In his reign the ports of Perth, Stirling, and Aberdeen were the resort of foreign merchant ships, which paid certain duties to government before they were permitted to trade; and out of the sums thus collected, the king, who favoured the Church, gave frequent grants to the monasteries and religious houses.[2]

One great cause of the wealth and prosperity of Scotland during those early times was the settlement of multitudes of Flemish merchants in the country, who brought with them the knowledge of trade and manufactures, and the habits of application and industry which have so long characterised this people. These wealthy citizens had been welcomed into England by the wisdom of Henry the First, and had settled upon the district contiguous to the Marches, from which they gradually spread into the sister country during the reign of Alexander the First. In 1155 Henry the Second, with angry and shallow policy, banished all foreigners from his dominions;[3] and the Flemings, of whom there were then great numbers in England, eagerly flocked into the neighbouring country, which offered them a near and safe asylum. Here, without losing their own particular tendency to make money by trade, and to establish commercial settlements, they accommodated themselves to the warlike habits of the people, and willingly served with other mercenary troops of the same nation in the king's army;[4] whilst, at the same time, their wealth and industry as traders, fishers, manufacturers, and able and intelligent craftsmen, made them excellent instruments in the hands of David the First for humanising and ameliorating the character of his people, and introducing amongst them habits of regular civil occupation.

We can trace the settlement of these industrious citizens, during the twelfth and thirteenth centuries, in almost every part of Scotland,—in Berwick, the great mart of our foreign commerce; in the various towns along the east coast; in St Andrews, Perth, Dumbarton, Ayr, Peebles, Lanark, Edinburgh; and in the districts of Renfrewshire, Clydesdale, and Annandale. There is ample evidence of their industrious progress in Fife, in Angus, in Aberdeenshire, and as far north as Inverness and Urquhart. It would even appear, from a record of the reign of David the Second, that the Flemings had procured from the Scottish monarchs a right to the protection and exercise of their own laws.[5] It has been ingeniously conjectured that the story of Malcolm the Fourth having dispossessed the ancient inhabitants of Moray, and of his planting a new colony in their stead, may have originated in the settlement of the Flemings in that remote and rebellious district.[6] The early domestic manufactures of our country, the woollen fabrics which are mentioned by the statutes of David, and the dyed and shorn cloths which appear in the charter of William the Lion to the burgh of Inverness,[7] must have been greatly improved by the superior dexterity and knowledge of the Flemings; and the constant commercial intercourse which they kept up with their own little states could not fail to be beneficial in importing the knowledge and the improvements of the continental nations into the remoter country where they had settled.[8]

The insular situation of Scotland, and the boisterous seas and high rocky coasts which defend it, must have early accustomed its inhabitants to direct their attention to the arts of shipbuilding and navigation. Other causes

1 Fordun a Goodal, vol. i. p. 305.
2 Dalrymple's Collections, p. 386.
3 Brompton, p. 1043.
4 Gulielmus Neubrigensis, p. 232.
5 Robertson's Index, p. 61.
6 Chalmers' Caledonia, vol. i. pp. 627, 628
7 See also the charter of William the Lion to the royal burgh of Perth, in Cant's Muse's Threnodie, vol. ii. p. 6.
8 M'Pherson's Annals of Commerce, vol. p. 403.

increased this. The early intercourse and colonisation of the Western Islands, and of the mainland districts of Caithness and Sutherland, by the Norwegians, with the constant piratic battles which took place between this powerful people and the independent sea kings who broke off from their dominion, nursed up a race of hardy sailors and intelligent mercantile adventurers; and these, on becoming subjects and vassals of the Scottish kings, brought with them a stock of courage, skill, and enterprise, which was of the highest value to the nation.

It is singular, too, that in these remote islands, when they remained under the dominion of the Norwegians, there is reason to believe that the arts and manufactures had been carried to a high pitch of excellence. The Hebridean chiefs, in the exercise of piracy, the principal source of their wealth, and then esteemed an honourable profession, had made descents upon most of the maritime countries of the west of Europe; had become acquainted with the navigation of their seas, and carried off to their islands the silks, the armour, the golden vases, the jewelled ornaments, and the embroidered carpets and tapestry which they plundered from the castles, churches, and palaces of the west.[1] Their skill in navigation, and the formidable fleets which they could launch against their enemies, are attested in many passages of their own historians. Alan, lord of Galloway, one of those independent princes who often disdained to acknowledge the sovereignty of Scotland, fitted out a fleet of a hundred and fifty ships, and drove Olave the Black, king of Man, from his dominions.[2] At an era anterior to this, Reginald Somerled, then the king of Man, was so opulent as to purchase the whole of Caithness from William the Lion, an exception being specially made of the yearly revenue due to the sovereign.[3] Ewen of Argyle, one of these island chiefs, agreed, at an early period, probably towards the conclusion of the reign of Alexander the Second, to pay to the Scottish monarch an annual tribute of three hundred and twenty marks.[4]

Instructed by the vicinity of such enterprising navigators, and aware of the importance of a naval force, our early sovereigns made every effort to attain it. Alexander the Second, who died on the expedition which he had undertaken against Angus of Argyle, had collected, if we may believe the author of the Chronicle of Man, a great fleet; and there is reason to think that, during his reign, as well as under that of his predecessor William, the navy of the country became an object of royal attention and encouragement.[5] In the year 1249, Hugh de Chastillon, earl of St Paul, one of the richest and most powerful of the French barons, consented to accompany Lewis the Ninth to the Crusade; and it is certain that the ship which was to have borne him and his vassals to the Holy Land was built, by his orders, at Inverness. It may be inferred from this fact that the ship carpenters of Scotland had acquired a reputation at this period which had made them celebrated even in foreign countries; and it furnishes, perhaps, another proof of those vast forests of oak and fir which at this period covered the greater part of the north of Scotland.[6]

In naval and commercial enterprise, as in all the other arts and employments which contributed to increase the comforts and the luxuries of life, the clergy appear to have led the way. They were the greatest shipowners in the country; and the Cartularies contain frequent exemptions from the duties generally levied on the merchantmen who imported foreign manufactures, which are granted to the ships of the bishops, abbots, and priors, who embarked the wealth of their religious houses in these profit-

[1] M'Pherson's Annals of Commerce, vol. i. pp. 278, 279.

[2] Torfæi Orcades, lib. ii. This happened in 1231.

[3] Chronicon Manniæ, apud Johnstone, Antiquitates Celto-Normanicæ, p. 52. This happened in 1196.

[4] Ayloffe's Calendars of Ancient Charters, p. 336.

[5] Chronicon Manniæ, p. 36.

[6] Math. Paris, p. 668. Ed. a Wats.

able speculations. At this period the staple exports of Scotland seem to have been wool, skins, hides, and salted fish, in which there is evidence of a flourishing and constant trade.[1] For live stock also, embracing cattle, horses, and the indigenous sheep of the country, there seems to have been a frequent foreign demand; but the woollen and linen manufactures were too coarse to compete with the finer stuffs of England, Flanders, and Italy, and were probably exclusively employed for the clothing of the lower classes. Still, there is ample proof that, limited as was this list of exports, the wealth of the country, even in those districts which were considered especially wild and savage, was considerable. Under William the Lion, Gilbert, the lord of Galloway, was able, from the resources of his own exchequer, to offer to pay to Henry the Second a yearly tribute of two thousand marks of silver; five hundred cows; and five hundred swine.[2]

From the account which has already been given of the wealth of the royal revenue under our early kings, and of the large sums of money expended on various public occasions by David, William, Alexander, and Malcolm the Fourth, we must infer a correspondent increase of wealth in the different classes of the kingdom, especially in the mercantile and trading part of the community; and it is not improbable that many of these sums were partly contributed by an aid which was levied from the different orders of the state, although, if we except a few instances, all records of such grants have been lost. On one memorable occasion, where William the Lion had engaged to pay to John of England fifteen thousand marks, we have seen that the burghs contributed six thousand; a sum equal to more than sixty thousand pounds of our present money;[3] and the large sums collected by the Papal legates during the reign of Alexander the Second evince no inconsiderable wealth at this period.[4] A poor country would not have attracted such frequent visits from those insatiable emissaries of the Pope; and his Holiness not only continued his demands under the reign of Alexander the Third,[5] but appears to have highly resented the ambition of Edward the First when it interfered with them. The mercantile wealth and the general prosperity of the kingdom during the reign of Alexander the Third have been already noticed; and the arrival of the Lombard merchants with a proposal of establishing settlements in Scotland is an event which itself speaks a decided progress in mercantile wealth and opulence. The repeated shipwrecks of merchantmen, and the loss of valuable cargoes, which are described as being far more frequent in this reign than before, were evi dently occasioned by the increased spirit of commercial adventure. Voyages had become more distant; the various countries which were visited more numerous; the risks of loss by piracy, tempest, or arrestment in foreign ports more frequent; and it is a circumstance worthy of note that the king, in consequence of this, became alarmed, and published an edict, by which he forbade the exportation of any merchandise from his dominions. "This measure," observes an ancient historian, "was not carried into execution without difficulty; and a year had not expired when the vessels of different nations, laden with merchandise, came into our ports, anxious to exchange their commodities for the productions of our country; upon which it was enacted that burgesses alone should be permitted to engage in traffic with these new comers." It is evident from all this that the Scottish exports were in considerable demand in continental markets; and the short-sighted policy of Alexander, in suddenly stopping the trade which was thus carried on, created a strong sensation, and occasioned an imme-

[1] Rymer's Fœdera, vol. iii. p. 95. Rymer, Coll. MS. vol. ii. p. 287, in M'Pherson's Annals of Commerce, vol. i. p. 436.

[2] This was in 1174. Benedictus Abbas, De vita Henrici II., p. 93.

[3] Fordun a Goodal, vol. i. p. 529.

[4] Math. Paris, a Wats., pp. 631, 422, 481, 509.

[5] Fœdera, vol. i. pp. 552, 553, 582, 608, 609. Fordun a Goodal, vol. ii. p. 122.

diate resort of foreign vessels into the Scottish ports. Upon this occasion, the Lombards, in their proposals to erect factories in Scotland, intended, probably, to step into the lucrative trade which the Scottish merchants, in consequence of the new edict of the king, were no longer permitted to carry on.[1]

One of the most interesting subjects connected with the trade and early commerce of the kingdom is the rise of the towns and royal burghs, and the peculiar circumstances which induced our kings to bestow so many privileges upon these early mercantile communities. It is evident that the Celtic inhabitants of the country were averse to settle or congregate in towns; and that, as long as Scotland continued under a purely Celtic government, the habits of the people opposed themselves to anything like regular industry or improvement.[2] Even so late as the present day, the pacific pursuits of agriculture, the labours of the loom, or the higher branches of trade and commercial adventure, are uncongenial to the character of this unsettled, though brave and intrepid, race; and the pages of contemporary and authentic historians bear ample testimony to the bitter spirit with which they resisted the course of civilisation and the enlightened changes introduced by our early kings. So much, indeed, is this the case, that the progress of improvement is directly commensurate with the gradual pressing back of the Celtic population into the remoter northern districts, by the more industrious race of the Saxons and the Anglo-Normans.

In this inquiry, a description has already been given of the royal and baronial castles of Scotland in those remote periods, and of the clusters of hamlets which arose under their walls, inhabited by the retainers of the prince or the noble upon whose bounty they lived, and whose power protected them from molestation. To these small villæ, and to the security which they enjoyed from the vicinity of the castle, is to be traced the first appearance of towns in Scotland, as in the other countries of Europe. Nor were the rich religious houses less influential than the royal and baronial castles; for their proprietors, themselves the most opulent and enterprising class in the community, encouraged the industry of their numerous vassals, and delighted to see the houses and settlements of wealthy and enterprising artisans arising under the walls of their monastery.[3]

The motives for the care and protection extended to such infant villages and communities are easily discoverable, if we recollect the description already given of the condition of a great portion of the lower orders of the people, out of which class the manufacturers and traders arose. They were slaves; and their children, their wealth, and the profits of their industry exclusively belonged to their lords; so that a settlement of wealthy manufacturers, or a community of successful and enterprising artisans, under the walls of a royal castle, or rich abbey, or within the territory of a feudal noble, was just so much money added to the revenue of the king, the baron, or the abbot.[4] As wealth increased with security and industry, the inhabitants of these communities began gradually to purchase their liberty from their lords,[5] and to form themselves into insulated associations, which, from their opulence, were able to bribe the sovereign to grant them peculiar privileges.[6] Into these bodies, freedom,

[1] Fordun a Goodal. vol. ii. p. 130. The places where the Lombards proposed to make their settlements were on the hill above Queensferry, or on one of the islands near Cramond.

[2] Ibid. vol. i. p. 44.

[3] Houard, Traités sur les Coutumes Anglo-Normandes, vol. ii. pp. 361, 362. Ducange, Gloss. voce Communia.

[4] Cartulary of Kelso, pp. 209, 221. Ibid. pp. 389, 408.

[5] In the Appendix to Lye's Saxon and Gothic Dictionary, No. V., published by Mr Manning, we find a very early instance of this, entitled, "Testificatio Manumissionis Aelwigi Ruff." It is as follows:—"Hic notificatur in hoc Christi libro, quod Aelfwig Rufus redemit seipsum de Aelfigo abbate, et toto conventu, cum una libra. Cujus est in testimonium totus conventus in Bathonia. Christus eum oceæcet, qui hoc scriptum perverterit." Aelfigus was abbot between 1075 and 1087.

[6] Madox, History of the Exchequer, pp. 231, 275, 278, folio ed.

and the feeling of property, soon infused an additional spirit of enterprise, and transformed their members from petty artisans into opulent merchants, whose transactions embraced, as we have seen, a respectable commercial intercourse with foreign countries.

It was soon discovered by the monarchs of Scotland that these opulent communities of merchants formed so many different points, from which civilisation and improvement gradually extended through the country; and the consequence of this discovery was their transformation, by the favour of the sovereign, into chartered corporations of merchants, endowed with particular privileges, and living under the especial protection and superintendence of the king.[1]

In this manner, at a very early period, royal burghs arose in Scotland. The various steps of this progress were, in all probability, nearly the same as those which are pretty clearly seen in the diplomatic collections and ancient muniments of different European kingdoms; the hamlet growing into the village; the village into the petty town; and this last into the privileged and opulent burgh: and it is evident that our kings soon found that the rise of these mercantile communities, which looked up to the crown for protection, and repaid it by their wealth and their loyalty, formed a useful check upon the arrogance and independence of the greater nobles.[2] It is probably on this account that the rise of the burghs was viewed with great jealousy in France; and that their introduction into that kingdom is described, by a contemporary author, "as an execrable invention, by which slaves were encouraged to become free, and to forget their allegiance to their master!"[3]

At an early period in our history, the superior intelligence and the habits of industry of the English people induced our kings to encourage the tradesmen and the merchants of this nation to settle in these infant towns and communities. This policy seems to have been carried so far that, in 1173, under William the Lion, the towns and burghs of Scotland are spoken of by an English historian as almost exclusively peopled by his countrymen;[4] and so late as the time of Edward the First, when this king, previous to his decision of the question of the succession, made a progress through Scotland, and compelled the inhabitants to take the oath of homage, the proportion of English names in the Scottish burghs is very great.[5]

The earliest burghs which appear in Scotland cannot be traced to a remoter period than the reign of our first Alexander, under which monarch we find Edinburgh, Berwick, Roxburgh, and Stirling; to these Inverkeithing, Perth and Aberdeen, Rutherglen and Inverness, were added in the course of years; and the policy of David the First, of William the Lion, and of the monarchs who succeeded him, had increased the number of these opulent mercantile communities, till, in the reign of David the Second, we find them extending to seventeen. These royal burghs, and the lands which were annexed to them, were the exclusive property of the king, sometimes held in his own hands, and possessed in demesne, but more generally let out to farm. In this respect, the condition of the towns and burghs of England in the time of the Conqueror, as shewn in Domesday Book, was nearly similar to the state in which we find them in Scotland, from the reign of Alexander the First, to the accession of Robert the Second.[6] For the houses and factories possessed by the merchants, a certain rent was due to the exchequer; and previous to their appearance as a third estate in the great national council, the king appears to have had a right of calling upon his burghs to contribute aids or grants of money out of their coffers on any occasion of emergency.[7] The Car-

[1] Houard's Anciennes Loix des François, vol. i. p. 235.
[2] Fordun a Goodal, vol. i. p. 305.
[3] Ducange, Glossar. voce Communia.
[4] Gulielm. Neubrig. lib. ii. chap. xxxiv. p. 409.
[5] Prynne's Edward I., pp. 653. 663, inclusive.
[6] M'Pherson's Annals of Commerce, vol. i. p. 297.
[7] Fordun a Goodal, vol. i. p. 529.

tularies are full not only of grants from successive kings to new settlers, of lands in their various burghs, with the right of building on them, and of *tofts* or small portions of pasture and arable ground, but of annuities payable out of the royal farms, and pensions from the *census* of their burgesses, which testify the exclusive property of the sovereign in these infant mercantile communities.[1]

From an early period these communities enjoyed a right of determining, in a separate court of their own, all disputes which might arise amongst their mercantile subjects; and in addition to this privilege, a right of appeal lay from the decision of the individual court of the burgh to a higher tribunal, which was denominated the Court of the Four Burghs, and which owes its institution to the wisdom of David the First. The burghs which composed it were the four oldest in the kingdom, Berwick, Roxburgh, Stirling, and Edinburgh; and it was the duty of the Chamberlain of Scotland to hold a court or ayr[2] once every year, at Haddington, to which the four burghs sent four commissioners, for the purpose of hearing and deciding upon the appeals brought before them.

It seems to be certain that under David the First a code of mercantile law was gradually formed, which owed its origin to the decisions of this court, assisted probably by the practical wisdom of the most enlightened merchants and traders. It was known by the name of the *Assisa Burgorum*, and, in an interpolated and imperfect state, has reached our own times. In the famous state paper of Edward the First, known by the title of an "Ordinatio super stabilitate terræ Scotiæ," and published in 1305, the laws which King David had enacted are commanded to be read by the English guardian or lieutenant, in presence of the good people of the land; and in a charter which is granted by William the Lion to the burgh of Glasgow in 1176, that monarch refers to the assizes of his burghs, as an established code of law.[3] It is the judicious observation of Chalmers, that as Malcolm the Fourth is known not to have been a legislator, these assizes must be ascribed to David; and this is confirmed by the ancient and respectable authority of Fordun.[4]

The policy of the sovereign in the erection of these privileged communities was gradually imitated by the religious houses, and more rarely by the greater barons, who granted exclusive privileges to the towns or villages upon their territories, and turned their wealth into channels of mercantile adventure, employing the burghers to trade for them, and furnishing them with capital. In this way Selkirk was indebted, for its first passage from a village into a burgh, to the Abbot of Kelso; St Andrews, Glasgow, and Brechin, to the bishops of these sees; Newburgh, to the Abbot of Lindores. The town of Renfrew was expressly granted by David the First to Walter, the son of Alan; Lauder was early the property of the ancient family of the Morvilles; and Lochmaben, in consequence of a grant by David the First, belonged to the ancestors of Bruce. The rents of the houses and of the lands of these burghs; the customs levied upon the ships which traded to such as were situated on the sea coast, or on navigable rivers; and in all probability certain proportions of the profits of the various tradesmen and guild-brethren who inhabited them, belonged to the spiritual or temporal lord upon whose lands they were erected, and whose favour and protection they enjoyed. If in the various

[1] Cartulary of Kelso, p. 1. Cartulary of Inchcolm, p. 19. Cartulary of Scone, pp. 41, 57. The Cartularies abound with examples of this.

[2] Houard's Anciennes Loix des François, vol. i. p. 237. It is evident, from the description given by this learned writer of the rights of the burghs under the Normans, that the Court of the Four Burghs was of Norman origin.

[3] Gibson's History of Glasgow, p. 301. Ayloffe's Calendars of Ancient Charters, p. 335. M'Pherson's Annals of Commerce, vol. i. p. 440. The Lex Mercatoria of Scotland is referred to by Edward the First, as an established and well-known code, in the Rotuli Scotiæ, p. 3. 10th Aug. 1291.

[4] Fordun a Goodal, vol. i. p. 301. Cartulary of Glasgow, p. 73. Caledonia, pp. 726, 732.

revolutions and changes of the times his lands happened to escheat or be forfeited to the crown, the whole wealth which belonged to them, the granges, castles, manors, villages, and burghs, became the property of the sovereign; and in this way, in the course of years, many baronial or ecclesiastical burghs were changed into royal ones.

Although, however, the rise of these trading communities was in the first instance eminently beneficial to Scotland, and, it cannot be doubted, contributed to give an extraordinary impulse to the industry of the people, yet as soon as this commercial and manufacturing spirit was once roused into activity, the principle of monopoly in trade, for which the burghs contended, by giving a check to competition, must have ultimately retarded the improvement of the country. In the meantime, however, under the severity of the feudal system, burghs were in their first introduction cities of freedom; their inhabitants were no longer in the degrading condition of slaves, who could be transferred, like cattle or common property, from one master to another; and we know, from the statutes of the burghs, that the same law prevailed in our own country as in England and France, by which a vassal or slave, if he escaped from his feudal superior, and was so fortunate as to purchase a house within a burgh, and live therein for a year and a day, without being claimed by his master, became a freeman for ever.[1]

One of the consequences of this law was an increase in the trade and manufactures of Scotland. During the long period of foreign war, civil faction, and domestic feuds, which fills up the history of the country from the death of Alexander the Third to the settlement of the kingdom under Bruce, and after this, from the death of Bruce to the accession of Robert the Second, the constant changes and convulsions in the state of private property threw great multitudes of the lower classes of serfs and bondsmen loose upon society. These fugitives would naturally seek refuge in the cities and burghs belonging to the king; and bring with them an additional stock of enterprise and industry to the mercantile corporations, whose protection they enjoyed; in the course of years many of them must have risen to the state of freemen; and, in consequence of this increase in the number of free merchants and enterprising traders, the wealth of the kingdom, during the latter part of the reign of David the Second, became proportionally great. It unfortunately happened that the excessive drain of specie, occasioned by the payment of the king's ransom, and the personal expenses of the monarch, with the large sums of money levied for the maintenance of ambassadors and commissioners, soon swallowed up the profits of trade, and reduced the kingdom to the very brink of bankruptcy.

At a remote period, under Malcolm the Fourth, the great mart of foreign commerce was Berwick. A contemporary English historian distinguishes it as a noble town, and as it possessed many ships, and enjoyed more foreign commerce than any other port in Scotland,[2] it shared the fate of all other opulent towns on the coast, in being exposed to the descents of the piratic fleets of the north. Erlind, a Norwegian, and Earl of Orkney, in 1156, carried off a ship belonging to a citizen of Berwick, whose name was Cnut the Opulent; and we learn from Torfæus, who has preserved the story, that the merchant, incensed at the loss of his property, instantly hired and manned fourteen vessels, for which he paid one hundred marks of silver, and with these gave immediate chase to the pirates. Under succeeding sovereigns it increased in trade and opulence; till we find it, in the reign of Alexander the Third, enjoying a prosperity which

[1] M'Pherson's Annals of Commerce, vol. i. p. 307. Leges Ed. et Will. chaps. lxi. lxvi., in Selden's Eadmer, pp. 191, 193. Laws of the Burghs, chap. xvii. Houard, in his Anciennes Loix des François, vol. i. p. 238, says this privilege belonged only to royal burghs under the Normans.

[2] Gulielm. Neubrig. book v. chap. xxiii. Torfæi Orcades, book i. chap. xxxii. pp. 131, 132.

threw every other Scottish port into the shade, and caused the contemporary author of the Chronicle of Lanercost to distinguish it by the name of a Second Alexandria.[1] It enjoyed a lucrative export of wool, wool-fels, and hides, to Flanders; it was by the agency of the merchants of Berwick that the produce of Roxburgh, Jedburgh, and the adjacent country, in these same commodities, was shipped for foreign countries, or sold to the Flemish Company established in that city; its export of salmon was very great; and the single fact that its customs, under Alexander the Third, amounted to the sum of £2197, 8s. sterling, while the whole customs of England, in 1287, produced only £8411, 19s. 11½d., amply demonstrates its extraordinary wealth.[2]

At this period the constitution of the towns and burghs in Scotland appears to have been nearly the same as in the sister country. Berwick was governed by a mayor, whose annual allowance for his charges of office was ten pounds, a sum equivalent to more than four hundred pounds of our present money.[3] Under this superior officer were four provosts, or *præpositi*. At the same period, Perth, Stirling, Roxburgh, and Jedburgh were each governed by an alderman, who appears to have been the chief magistrate; Glasgow by three provosts; Haddington by one officer under the same name; whilst the inferior burghs of Peebles and Montrose, of Linlithgow, Inverkeithing, and Elgin were placed under the superintendence of one or more magistrates called bailies. These magistrates all appear as early as the year 1296;[4] and, it seems probable, were introduced into Scotland by David the First, whose enlightened partiality to English institutions has already been noticed in this history.

The comparative state of the trade and exports of the remaining burghs of the kingdom, at this early period, cannot be easily ascertained. Perth, which had become opulent and flourishing in the time of William the Lion, by whom it was erected into a royal burgh, increased in its wealth and consequence under Malcolm the Fourth, who made Scone, the neighbouring monastery, the principal seat of his kingdom. The resort of the court, and the increased demand for the articles of domestic manufacture and foreign commerce, gave a stimulus to the enterprise and industry of the infant burgh; and a contemporary poet, whose works have been preserved by Camden, characterises Perth as one of the principal pillars of the opulence of the kingdom.[5]

These few and scattered, but authentic facts, regarding our early commerce and manufactures, make it evident that in such great branches of national wealth there is a discernible improvement, from the remote era of Malcolm the Third, to the period of the competition for the crown. Indeed, immediately before the commencement of the war of liberty, the commercial transactions of the country were of consequence enough to induce the merchants of St Omers, and partners of the Florentine houses of Pullici and Lambini, to have correspondents in Scotland; and about the same period we find that Richard le Furbur, a trader of the inland town of Roxburgh, had sent factors or supercargoes to manage his business in foreign countries, and in various parts of Britain.

With regard to the exports of the country at this time, we find them composed of the same articles as those already described; wools, skins, hides, and wool-fels; great quantities of fish, salted and cured;[6] horses, sheep, and cattle;[7] and more rarely, pearls, falcons, and greyhounds. It is singular to find so precious an article as pearls amongst the subjects of Scottish trade;

[1] History, p. 43.

[2] M'Pherson's Annals of Commerce, vol. i. 446, with MS. note by the author. Rymer, vol. ii. pp. 605, 613.

[3] Rotuli Scotiæ, 8 Ed. III., m. 16.

[4] Prynne's Edward I., pp. 653, 654. Rymer's Collection of MSS. vol. iii. No. 116; quoted by M'Pherson in Annals of Commerce, vol. i. p. 446.

[5] Necham apud Gough's Camden's Brit., vol. iii. p. 393.

[6] Rotuli Scotiæ, vol. i. pp. 40, 911, 929, 941, 944.

[7] Ibid. p. 881.

yet the fact rests on good authority. The Scottish pearls in the possession of Alexander the First were celebrated in distant countries for their extreme size and beauty; and as early as the twelfth century there is evidence of a foreign demand for this species of luxury.[1] As the commercial intercourse with the East increased, the rich Oriental pearl, from its superior brilliancy and more perfect form, excluded the Scottish pearls from the jewel market; and by a statute of the Parisian goldsmiths, in the year 1355, we find it enacted that no worker in gold or silver shall set any Scottish pearls with Oriental ones, except in large ornaments or jewels for churches.[2] It is curious to find among the exports the *leporarii*, or greyhounds of the country, which were famous in France; for in 1396 the Duke de Berri sent his valet and three attendants into Scotland on a commission to purchase dogs of this kind, as appears by the passport preserved in Rymer;[3] and, at an earlier period under the reign of David the Second, Godfrey de Ross, an English baron, procured from Edward the Third a safe-conduct for his shield-bearer and two attendants who were travelling from Scotland with dogs and falcons, and who purposed to return into the same country, under the express condition that they did not abuse their privilege by carrying out of England either bows, arrows, arms, or gold or silver, in the form of bulk, plate, or money.[4]

Of the imports of Scotland at the same period it is difficult to give anything like an accurate or satisfactory account. Fine linen and silks; broad cloth, and a rich article called *sayes*, manufactured in Ireland from wool, and esteemed so beautiful as to be worn by the ladies of Florence;[5] carpets and tapestry; wine, oil of olives, and occasionally corn and barley;[6] spices and confectionary of all kinds; drugs and electuaries; arms, armour, and cutlery, were the chief commodities: and it has already been observed that many articles of Asiatic luxury and magnificence had reached our country, by means of a constant communication with the Flemish and Italian merchants. In 1333 we know, from an authentic instrument preserved in the Fœdera, that the Scottish merchants were in the custom of importing from the county of Suffolk vases of gold and silver into Scotland, besides silver in bars and in money;[7] a proof that the silver mine which David the First worked at an early period in Cumberland, and the gold of Fife, to which the same monarch alludes in the Cartulary of Dunfermline, had neither of them been turned to much account.[8]

Under the reign of Bruce, and during the long war with England, every possible effort was made by Edward the First and his successor to crush and extinguish the foreign trade of Scotland; but the success does not appear to have been in any degree proportionate to their exertions. All English or Irish merchants were prohibited, under the severest penalties, from engaging in any transactions with that country; and repeated requests were addressed to the rich republics of the low countries, to the courts of Flanders, and the Dukes of Brabant, to induce them to break off all traffic with the Scots;[9] but the exertions of contraband traders and privateer vessels eluded the strictness of the prohibitions against English and Irish trade;[10] and the Flemings and Bra-

1 Nicolai Epist. in Anglia Sacra, vol. ii. p. 236. "Præterea rogo et valde obsecro ut margaritas candidas quantum poteris mihi adquiras. Uniones etiam quascunque grossissimas adquirere potes. Saltem quatuor mihi adquiri per te magnopere postulo; si aliter non vales saltem a rege, qui in hac re omnium hominum ditissimus est, pro munere expete."—M'Pherson's Annals of Commerce, vol. i. pp. 318, 555.

2 Du Cange, Gloss. voce Perlæ.

3 Rymer's Fœdera, vol. vii. p. 831.

4 Rotuli Scotiæ, vol. i. p. 891.

5 M'Pherson's Annals of Commerce, vol. i. p. 562.

6 Rotuli Scotiæ, vol. i. p. 891.

7 Rymer's Fœdera, vol. iv. p. 575.

8 Johan. Hagulstad. p. 280. Cart. of Dunferm. folio 7; quoted in Dalzel's Tract on Monastic Antiquities, p. 30.

9 Rotuli Scotiæ, vol. i. p. 136. 1st April 1314. Ibid. 140. Rymer, vol. iv. p. 715.

10 Rotuli Scotiæ, vol. i. pp. 491, 525.

banters steadily refused to shut their ports against any nation which could pay for their commodities. In 1315, a fleet of thirteen ships or galleys belonging to the Scots, and other "*malefactors*" who adhered to them, was at anchor in the port of Sluys in Flanders, waiting to be laden with arms, victuals, and other goods, which they intended to export from that country into Scotland, when Edward the Second, as the public order relative to the circumstance informs us, adopted vigorous, but apparently unsuccessful, measures for intercepting them.[1] To Bruce, whose life was spent in almost uninterrupted war, the great articles of demand were those which he could use for his soldiers and knights: arms of all kinds, helmets, cuirasses, chamfreyns, and horse armour, swords and daggers, bows of English yew, spear shafts, and lances, formed the staple cargoes of the Flemish merchantmen which traded to his dominions; but, on the other hand, the export trade of the country, which had been principally carried on through England and Ireland, although not extinguished, experienced a material depression. But although some branches of national wealth were rendered less productive, other sources were opened peculiar to war. The immense plunder taken at Bannockburn; the large sums of money paid by the English nobles and barons for their ransom; the subsequent plunder in the repeated invasions of England; and the frequent and heavy sums which were subscribed by the Border counties, to induce the Scottish leaders to spare their towns and villages, enriched the kingdom, and provided a mass of capital which is distinctly perceptible in the increased commercial speculation of the subsequent reign, and in the spirited and successful efforts made by the nation in fitting out a navy.

Previous to the accession of David the Second, we have already seen that little traces of a regular naval force exist in Scotland; and although the fleets of William the Lion and that of his successor, Alexander the Second, are commemorated in the Chronicle of Man, it seems probable that these naval armaments were furnished by the island vassals, who owned the superiority of the Scottish crown, and who held their lands by the tenure of furnishing a certain number of galleys for the use of the king.[2] The maritime exploits of these kings were temporary and insulated; and the same observation applies to the naval expeditions of their successors. It appears, indeed, from a passage in the Chamberlain Rolls of Alexander the Third that, in 1263, this monarch was in possession of several vessels, which, under the direction of the Earl of Menteith, were built in the port of Ayr, and that two hundred oars were manufactured for their use;[3] but it is evident, from Alexander declining any naval contest with the King of Norway, that his fleet could neither have been numerous nor powerful.

The reign of Bruce being principally occupied with a land war, his efforts for distressing his enemy by sea were mostly confined to the commissioning piratic ships from the Flemings and Genoese, which cruised upon the English coasts, and in the double capacity of traders and ships of war, landed their cargoes in Scotland and attacked the English merchantmen and victuallers. Yet there is evidence in that interesting portion of the Chamberlain Accounts which relate to the expenditure of Bruce at his palace of Cardross the year before his death, that he and his old companion in arms, the great Randolph, were anxiously directing their attention to the subject of shipping and navigation.

But the navy assumes a different and more formidable appearance under the reign of David Bruce. The Scottish ships of war, along with numerous

[1] This instrument is one of the deeds added by the editors of the new edition of the Fœdera Angliæ, vol. ii. part i. p. 265. The original is in the Tower.

[2] Fordun a Goodal, vol. ii. p. 101. Robertson's Index, p. 100.

[3] Excerpta ex Rotulo Compotorum Temp. Alexander III., p. 10.

squadrons of foreign privateers in the pay of the Scots, swept the seas round England, plundered their merchant vessels, and made repeated and successful descents upon the coast, burning and destroying the seaport towns, and creating extreme alarm in the country. In 1334, a fleet of Scottish ships of war threatened a descent on the coast of Suffolk; in the subsequent year, twenty-six galleys and other ships were hovering and watching their opportunity for attack off the coasts of Chester and Durham; and not long after this, notwithstanding the utmost exertions by the English government to fit out a fleet which should put an end to the naval aggressions of the Scots, and precautions taken to spread the alarm in case of any hostile descents, by lighting beacons upon the cliffs above the sea; the towns of Portsmouth, Fodynton, Portsea, and Easten, were burnt and plundered, and the country threatened with invasion by a numerous fleet of foreign ships and galleys, whose approach is described by Edward the Second in an order addressed to the sheriffs of England, and evidently written under extreme apprehension.[1] Yet the probability is, that none of these vessels were the property of the king, but merchant ships of Scottish and foreign traders fitted up for the expedition as ships of war, and commissioned, like the mercenary troops of Hainault or Switzerland, to assist whatever country chose to pay them the highest price for their services.

At this period, the same mode of fitting out a fleet of ships of war was adopted in both countries. There appears to have been no regular permanent naval force of any consequence maintained in either.[2] In England, as the emergency of the moment required, the monarch was in the habit of directing his writs to the wardens of the Cinque Ports, and to the magistrates of the different seaports, empowering them to press into the service, and instantly arm and victual, any number of vessels he deemed necessary, and to commission such merchantmen as were fond of the adventure to fit out their traders as *naves guerrinæ*, or ships of war,[3] with the right of attacking the enemies of the king, under the condition of giving up half the profits in the event of a successful capture.[4] We may form some idea of the size and strength of these vessels from an order issued by Edward the Third during his Scottish war, to the Mayor of Bristol, in which this magistrate is commanded to arrest three of the largest ships then in the port of that city. These are described to be two of a hundred tons, and one of sixty tons burden, on board of which a hundred and thirty-two men are instantly to be put for the king's service, which force is mentioned in the order as being double the ordinary complement of mariners and soldiers.[5] Many of the privateers, however, which were at this time employed by the Scots against England appear to have been vessels of larger dimensions and more formidable equipment than those of England, probably from their being foreign built, and furnished by the Flemings, the Genoese, or the Venetians, for the purposes both of trade and piracy. In 1335, a large foreign ship, laden with arms, provisions, and warlike stores, arrived in the port of Dumbarton; and for the purpose of intercepting her Edward not only ordered two of the largest merchantmen of Bristol to be manned and provisioned as ships of war, but commanded Roger de Hegham, his admiral of the western fleet, to fit out two other vessels, with a double complement of men, to be employed apparently on the same service.[6]

[1] Rotuli Scotiæ, vol. i. pp. 299, 317. Ibid. pp. 320, 363, 440. Rymer's Fœdera, new edit. vol. ii. part ii. pp. 1055, 1067.

[2] M'Pherson's Annals of Commerce, vol. i. p. 378.

[3] M'Pherson's Annals of Commerce, vol. i. p. 430.

[4] "Galfridas Pypere Magister navis que vocatur le Heyte habet licentiam gravandi inimicos Regis ita quod de medietate lucri Regi respondeat." Teste R. apud Burdegalliam xiii. Feb. 28. Henry III., m. 16. Rotuli Pat MS. note, by M'Pherson in his own copy of the Annals of Commerce, vol. i. p. 394.

[5] Rotuli Scotiæ, vol. i. p. 231. 24th April 1333.

[6] Ibid. vol. i. p. 340.

In 1357, three Scottish ships of war, manned with three hundred soldiers, infested the east coast, and grievously annoyed the English commerce. This large complement of soldiers must have been exclusive of the sailors employed to navigate the ships, and proves them to have been of large dimensions when compared with the ordinary vessels of the time.[1] In the same year we have seen that the Scottish privateers captured a vessel called the Beaumondscogge, which was the property of that powerful baron, Henry de Beaumont, who, along with Baliol and the rest of the disinherited nobles, succeeded in driving David the Second from the throne; and soon after, the united fleets of the Scots and their allies increased in numbers and audacity to such a degree, that the English coasts were kept in a state of continual terror. The merchantmen did not dare to sail except in great squadrons, and with a convoy of ships of war; and even when riding at anchor within the harbours were cut out and carried off by the superior naval skill and courage of the Scottish seamen and their allies.[2] In a remarkable order, addressed by Edward the Third to his admirals and naval captains, this monarch complains in bitter terms of their pusillanimous conduct, in permitting the united fleets of the Scots, French, and Flemings to capture and destroy the ships of England in the very sight of his own navy, which kept aloof during the action, and did not dare to give battle.[3]

Such appears to have been the great superiority of the Scottish navy over that of England in the beginning of the reign of David the Second. Meanwhile, the long and inveterate war between the two countries, which arose out of the aggressions of Edward the First, entirely extinguished the regular Scottish commerce with that country. From the year 1291 to 1348 there appear only three safe-conducts for English merchants, permitting them to trade with Scotland; and those repeated proclamations which were made against any commercial intercourse seem to have been so rigorously executed, that in this long interval, embracing more than half a century, we do not find a single passport for a Scottish merchant, allowing him to visit England for the purposes of trade.

In 1348, the Scots being included in the truce of Calais, the commerce of England, for the first time since the long war, was thrown open to their skill and enterprise; and in a few years the mercantile intercourse between the two countries rapidly increased. At the request of the Queen of Scotland, important privileges were granted to the Scottish merchants; the Scottish nobles possessed companies of merchants, who speculated on their account, and under their protection;[4] and we have seen that, instead of the rigid and determined exclusion from all trade with their dominions, which for so long a time formed part of the policy of the three Edwards to their Scottish enemies,[5] a system of great liberality and indulgence was pursued, under which the commerce of both countries was carried on with a surprising degree of energy and enterprise.

The large sums of money which were drawn from the country for the ransom of the king; the expenses incurred by the residence and ransom of the noble prisoners taken in the battle of Durham; and the reiterated and heavy payments which were made during the various and protracted negotiations with England, exhibit in a striking manner the increasing opulence of the country; and it cannot be doubted that one great source of this wealth is to be traced to the improved state of the national commerce, and to the increasing wealth of the traders and manufacturers. I shall conclude this sketch of the early commerce and navigation of Scotland by a

[1] Knighton, 2617.
[2] Rotuli Scotiæ, pp. 451. 456. 467, 477.
[3] Ibid. vol. i. p. 513. Ibid. 498.
[4] Rotuli Scotiæ, vol. i. pp. 758, 823. "Salvus conductus pro mercatoribus Willielmi de Douglas."
[5] Rotuli Scotiæ, vol. i. p. 140.

few remarks upon the money of those times, and upon the wages of labour, and the prices of the necessaries of life.

All the Scottish coins which have yet been discovered previous to the reign of Robert the Second are of silver; and this fact of itself furnishes, if not absolute proof, at least a strong presumption, that anterior to this period there was no gold coinage in Scotland.[1] Of this early silver money the most ancient specimens yet found are the pennies of Alexander the First, who succeeded to the throne in the commencement of the twelfth century; after which we can trace a regular coinage of silver pennies under the reigns of David the First, William the Lion, and the successive sovereigns who filled the throne, with the exception of Malcolm the Fourth, whose money, if in existence, has hitherto eluded the utmost research of the Scottish antiquary. The silver pennies of Alexander the First, now extremely rare, are of the same fineness, weight, and form as the contemporary English coins of the same denomination, and down to the time of Robert the First the money of Scotland was of precisely the same value and standard as that of England.

Towards the conclusion of the reign of William the Lion, that monarch reformed the money, which had been somewhat debased from its former standard;[2] perhaps in consequence of an attempt to supply in this way the large sums which this monarch paid to Richard the First.[3] During the succeeding reign, the standard value and the device continued the same as under William; but almost immediately after the accession of Alexander the Third the ministry of this infant sovereign borrowed from England what was deemed an improvement in the mode of stamping the reverse. The history of this alteration is curious. It appears that in 1248, the sterling money of England had been defaced, by clipping, to such a degree that the letters of the inscription were almost entirely cut away; and the delinquents were suspected to be the Jews, the Caursini, and the Flemish wool merchants.[4] At a meeting of the king's council, which was summoned to advise what steps ought to be taken, some of the members recommended that, in imitation of the money of France, the quality of the silver in the English money ought to be debased, under the idea that the temptation to make profit by clipping would thus effectually be removed. Fortunately this advice, which marks a rude age, and a limited knowledge on the subject, was not adopted; but proclamation was made that all the defaced coin should be brought into the king's exchanges, and that a new coinage should be struck, out of which those who brought in the clipped money were to be paid weight for weight. On the old coins, the cross upon the reverse side had only reached half way from the centre to the edge, in consequence of which an expert clipper might have pared away a considerable breadth, without much chance of detection; but now the expedient was adopted of carrying the arms of the cross through the letters of the legend, and a border of small beads was added round the outer extremity; so that the money could not be clipped, without at least a greater chance of discovery.[5] The immediate adoption of this clumsy expedient in Scotland was probably occasioned by the same abuse of clipping having been practised in that country.[6]

In Scotland, the very first sensible

[1] In a parliament held at Scone by David the Second, in 1369, there is mention of gold money. Robertson's Parliamentary Records, p. 117. But the gold money of England was then current in Scotland, and the enactment may refer to it. Ruddiman's excellent Introduction to Anderson's Diplomata, pp. 54, 55.

[2] M'Pherson's Annals of Commerce, vol. i. p. 356.

[3] Winton's Chron. vol. i. p. 342. Chron. Melross, p. 102.

[4] Mathew Paris a Wats., p. 639.

[5] "Ut non sine evidenti, et valde notabili dispendio, aliquid inde radi possit vel abscindi."—Annales Waverleenses, p. 207.

[6] Fordun a Goodal, vol. ii. p. 83. The same monarch, Alexander the Third, appears to have coined silver pieces of two pennies. M'Pherson's Annals of Commerce, vol. i. p. 432.

diminution of the purity of the standard money was introduced by Robert Bruce; but the exact date of the depreciation is unknown. Like the other alterations in the coinage, it was adopted in imitation of England; and proceeded upon the unjust and erroneous idea that the wealth of the kingdom might be increased by multiplying the number of pennies coined out of the pound of silver. In 1300, Edward the First commanded two hundred and forty-three pennies to be coined out of the standard pound, instead of two hundred and forty, which was the old rate.[1] A diminution of three pennies in the value of the pound of account was deemed, perhaps, too trifling and imperceptible a change to be in any way detrimental; and the Scottish monarch not only followed, but went beyond, the pernicious example of England; for, under the expectation that the pennies of both kingdoms would, as before, continue to pass indiscriminately, he coined two hundred and fifty-two pennies from the pound weight of silver,—an impolitic departure from the integrity of the national money, which had hitherto been strictly observed by the government of the country.[2]

From this time till 1354 there appears to have been no change in the money of Scotland; which, according to a proclamation of Edward the Third, was received as of the same weight and alloy as the money of England.[3] This monarch, however, finding himself much distressed by the debts which he had incurred in his French war, unfortunately relieved himself by repeating the expedient which he had already partially adopted, although as dishonest as it was injurious to the best interests of his kingdom. In order to pay his creditors with less money than he had borrowed, he commanded two hundred and sixty-six pennies to be made out of the pound of standard silver; and afterwards, in the year 1346, he diminished the money still further, by making two hundred and seventy pennies out of the pound,—a proceeding by which the people were greatly distressed, owing to the consequent rise in the prices of all the necessaries of life.

In 1354, the Steward, who was now regent in Scotland during the captivity of David, imitating this mistaken policy, issued a new coinage, which was not only far below the original standard in value, but even inferior to the money of England, depreciated as it then was. We are informed of this fact by a proclamation which the issue of this new money of Scotland drew from Edward the Third. In a letter to the Sheriff of Northumberland, the king informs him that the new money of Scotland, although of the same figure with the old, was not, like it, of the same weight and quality with the sterling money of England; and he accordingly commands that officer to make proclamation within his district, that the new Scottish money should be taken only for its value as bullion, and carried to the proper office to be exchanged for current money; but that the old money of Scotland, which, as appears from what was above stated, was considerably better than that of England, should be still current as before."[4]

Soon after the return of David the Second to his dominions, he appointed Adam Torre, a burgess of Edinburgh, and James Mulekin of Florence, joint keepers of the Exchange for all Scotland, and Masters of the Mint. Foreigners appear to have been the great coiners or minters of those times. At an earlier period, in 1278, the Exchange at London was under the direction of some Lucca merchants and

[1] Topham's Observations on the Wardrobe Account of Edward the First, p. 11. "The pound weight of silver then (31 Ed. I.) consisted of twelve ounces, each containing twenty pennyweights, or of two hundred and forty pennies. These pennies were composed of mixed silver; one pound, or twelve ounces, of which contained eleven ounces and two pennyweights of fine silver, and eighteen pennyweights of copper or alloy."

[2] M'Pherson's Annals of Commerce, vol. i. p. 466. Folkes on English Coins, pp. 8, 142. Edition 1763.

[3] Rymer's Fœdera, vol. v. p. 813.

[4] M'Pherson's Annals of Commerce, vol. i. p. 554. Rymer's Fœdera, vol. v. p. 813. "Supra nova moneta Scotiæ."

Gregory de Rokesley the mayor.[1] In 1366, the Scottish parliament had ordered the money of the kingdom to be coined of the quality and weight with that of England;[2] but, in the subsequent year, the extreme scarcity of silver money, occasioned by the drain of specie from the country for the king's ransom, and other expenses, created an alarm, which unfortunately caused the parliament to relapse into the erroneous notion that the wealth of the kingdom might be increased by diminishing the intrinsic value, and increasing the number of the pieces coined. This produced an order, by which it was declared that the standard pound of silver should be diminished in the weight by ten pennies; so that henceforth the pound of silver should contain twenty-nine shillings and four pennies; out of which seven pennies were to be taken for the king's use.

To understand this order, it must be remembered that the only coins which had yet been struck, either in England or Scotland, were pennies, with their halves and quarters, along with a few groats and half groats; so that when the parliament enacted that the pound of silver should contain twenty-nine shillings and four pennies, it was saying, in other words, that it was to be coined into three hundred and fifty-two pennies; an enormous departure from the integrity of the old standard of two hundred and forty pennies in the pound. In the same ordinance it is provided that eleven pennies are to be taken for the Master of the Mint and the payment of the workmen, and one penny for the Keeper of the Mint. If to these we add the seven pennies for the king's use, twenty-seven shillings and nine pennies would remain to the merchant for the pound of silver;[3] so that, by this change in the coinage, the king practised an extensive and grievous fraud upon his subjects.

[1] Madox's Hist. of Exchequer, chap. xxii. § 4, chap. xxiii. § 1. Compotum Custodis Monete, vol. i. Accounts of the Great Chamberlains of Scotland, pp. 401, 402.

[2] Robertson's Parliamentary Records, p. 104.

[3] Ibid. p. 109.

It is curious to attend for a moment to the consequences of this depreciation of the money of the country. They are distinctly to be traced in a statute soon after passed by Edward the Third.[4] There was, in the first place, a rise in the prices of all the necessaries of life; so that the labouring classes, being paid at the same rate as before, found that they could not procure the same subsistence. This they patiently bore for some time; but when the immense mortality occasioned by the pestilence had diminished the number of working men, and thus created a great demand for labour, the survivors naturally seized the opportunity to raise their prices; and, in consequence of this, the king, with the advice of his parliament, enacted the Statute of Labourers, "by which all men and women under sixty years of age, whether free or slaves, and having no occupation or property, were compelled to serve any master who hired them, for the same wages which were given before the year 1346, under pain of imprisonment." Artificers were, at the same time, prohibited from exacting more than the old wages; and the butchers, bakers, brewers, and other dealers in provisions were strictly enjoined to sell their commodities at reasonable prices.

The legislators of those remote times had not yet learned that the price of food must be the standard for the price of labour; and that by depreciating the coin of the kingdom they raised the prices of the necessaries of life, and compelled the labouring classes to adopt the very conduct of which they complained. There can be no doubt that the consequences of the depreciation in Scotland must have been the same as in the sister country; and the sumptuary laws, which we find enacted towards the conclusion of the reign of David the Second, with the statutes regarding carrying the coin "furth of the realm," are to be traced to the same causes as those

[4] Statute 23 Ed. III. M'Pherson's Annals of Commerce, vol. i. p. 542.

which led to the statute of labourers in England.[1]

The price of labour, of the necessaries of life, and of the articles of comfort or luxury, forms at all times an interesting subject of inquiry, probably from that strong and natural desire which we feel to compare our own condition with that of our fellow-men, however remote may have been the period in which they lived. Upon such points, however, previous to the transcription and printing of the Accounts of the Great Chamberlains of Scotland, little satisfactory information could be collected; for our most ancient historians, although they occasionally mark the prices of provisions and of labour, commonly do so in years of scarcity, when the high rate to which they had risen fixed their attention upon the subject; and upon such data no correct inquiry could be founded.[2] These accounts, on the contrary, as they contain the ordinary and common prices of most articles, are on this, as on all other points which they embrace, our most authentic guides.

It will be recollected that the value and the denomination of money, down to the reign of Robert the First, continued the same in Scotland and in England; and that, even under Edward the Third, the depreciation of the Scottish money could not be very great, as it required a royal proclamato put the people on their guard against it.[3]

To begin with the price of grain, we find that, in 1263, a chalder of oatmeal, fourteen bolls being computed for a chalder, cost exactly one pound.[4] In the same year, six chalders of wheat were bought for nine pounds three shillings.[5] The prices, however, varied occasionally, as we might expect. In 1264, twenty chalders of barley sold for ten pounds, although, in 1288, the price had fallen so low that we find forty chalders sold for six pounds thirteen shillings and fourpence, being at the rate of forty pence the chalder.[6] In 1288, twelve chalders of wheat brought twelve marks, or thirteen shillings and fourpence the chalder.[7] In 1290, a chalder of barley sold for ten shillings, and a chalder of rye for four shillings;[8] while, in 1329, we find the prices of the same grain fluctuating from twenty to twenty-four shillings the chalder for the best barley.[9] In 1326, four chalders of oatmeal cost a hundred and six shillings and eightpence, being at the rate of twenty pence the boll; whilst, of the same date, the same kind of grain, but probably of a superior quality, sold for two shillings the boll.[10] In 1360, a chalder of barley cost thirteen shillings and fourpence, and five chalders of wheat brought eight pounds; whilst, five years after this, four chalders and eleven bolls of fine wheat could not be had under twelve pounds sixteen shillings.[11] About the same time, twenty-nine barrels of beer, purchased for the king's household, cost eleven pounds nine shillings, and fifty-five barrels of herring twenty-nine pounds nineteen shillings.[12] As far back as 1263, we find that the price of a cow was four shillings and fivepence;[13] and that thirty *muttons* were purchased for the king's table, at the rate of twenty-five shillings, averaging exactly tenpence a piece.[12] In the following year, forty cows were sold for ten pounds, the price of each being five shillings; whilst thirty-eight swine brought fifty-

[1] Statuta Davidis II. Regiam Majestatem, pp. 45, 46. Robertson's Parliamentary Records, pp. 106, 117.

[2] Preface to Fleetwood's Chronicon Preciosum.

[3] Madox's History of Exchequer, vol. i. p. 277. 4th Edition. The pound of silver by tale was twenty shillings; the mark of silver thirteen shillings and fourpence, or one hundred and sixty pennies.

[4] Chamberlains' Accounts, p. 9. Temp. Regis Alexander III., p. 66. [5] Ibid. p. 9.

[6] Chamberlains' Accounts, p. 66.

[7] Ibid. p. 69. [8] Ibid. p. 77.

[9] Ibid. vol. i. p. 37.

[10] Ibid. Compotum Constab. de Tarbat, vol. i. p. 2.

[11] Ibid. Compot. Clerici libationis, vol. i. p. 445.

[12] Ibid. Compot. Clerici libationis, p. 445. In 1328, we find 1800 herring sold for twenty-eight shillings. Ibid. p. 28. In 1288, 100 eels brought three shillings, p. 69.

[13] Ibid. Rotuli Compot. Temp. Regis Alex. III. p. 14. To twenty-four cows, one hundred and eight shillings.

[14] Ibid. p. 15.

seven shillings, being no more than eighteenpence each; and, in 1288, twelve swine sold as low as a shilling a head.[1] In 1368, two oxen sold for thirteen shillings and fourpence, being six shillings and eightpence a head. In the concluding passage of the Chamberlains' Accounts, seven score hens are sold for eleven shillings and eightpence, exactly a penny each; and a tonegall of cheese, measuring six stones, sold for three shillings.[2]

The common fuel of those times, consisting of peats and wood, was to be had at a moderate rate. In 1288, two hundred and five horse-loads of firewood, for the royal palace at Stirling, cost only thirty-six shillings and sixpence. Eight waggon-loads of peats, including the carriage and some small expenses, cost thirteen pounds seventeen shillings and fivepence.[3] Although coals were undoubtedly worked in Scotland as early as 1291, perhaps even anterior to this, yet we find them rarely mentioned previous to the reign of David the Second. Under this monarch, eighty-four chalders of coal being purchased for the use of the queen's household, cost twenty-six pounds.[4] Salt appears to have been one of those necessaries of life which varied considerably in its price. In 1288, twelve chalders of salt were sold for six shillings the chalder; whilst, in 1360, ten chalders could not be purchased under thirteen pounds six shillings and eightpence.[5]

In comparing the wages of labour with the above prices of provisions, it is evident that, even in the most remote period which these researches have embraced, the lower orders must have lived comfortably. In the Chamberlains' Rolls of Alexander the Third, the keeper of the king's warren at Crail receives, for his meat and his wages during one year, sixteen shillings and eightpence; and as this was deemed too high, it is added that, for the coming year, he is to have his option to take either a mark, which was thirteen shillings and fourpence, or a chalder of oatmeal.[6] The gardener of the king at Forfar had, for his yearly wages, five marks; the gardener at Menmouth, only one mark;[7] and William, the king's cook and keeper of the royal larder, was paid, for his arrears of three years' wages, ten pounds.[8] The king's balistarius, or keeper of the cross-bows for the castle of Ayr, received yearly two marks and a half;[9] whilst the warder of the same castle, for his yearly wages and support, cost the exchequer eight shillings.[10]

When Alexander the Third was making preparations against the expected invasion of the King of Norway, in 1263, in order to secure the allegiance of the petty princes who held the Western Isles, he seized their children as hostages for their peaceable behaviour. These, of course, he had to support; and this explains an entry in the Chamberlains' Rolls, from which we may form some idea of the rate of living. For the expenses of the son of Angus, who was the son of Donald, with his nurse and a waiting woman, for twenty-six weeks, the king paid seventy-nine shillings and tenpence.[11] The expenses of another of these hostages, the son of Murchad, amounted to twenty-one shillings for twenty-four weeks; and we find that, in speaking of twenty-two hostages from Caithness and Skye, the first was allowed for his living a penny, and the second three-halfpence a day.[12]

At the time of this expected invasion, Alexander possessed no regular navy; but a few ships of war appear to have been stationed in the port at Ayr: such, however, was the unsettled state of the country, that these vessels had to be watched, probably only during the night; and we find an entry in the same accounts of sixteen shillings and

[1] Chamberlains' Accounts, Temp. Custod. Regni, p. 56. Ibid. p. 77.
[2] Ibid. pp. 77, 78. "Et sciendum est quod quilibet tonegall valet 6 petras."
[3] Ibid. p. 61.
[4] Chalmers' Caledonia, vol. i. p. 793. Chamberlains' Accounts, p. 495.
[5] Ibid. pp. 69, 392.
[6] Chamberlains' Accounts, Excerpta ex Rotulo Temp. Alex. III. p. 7.
[7] Ibid. p. 13.
[8] Ibid. p. 1.
[9] Ibid. p. 9.
[10] Ibid.
[11] Excerpta ex Rotulo Temp. Alex. III. p. 0
[12] Ibid. pp. 14, 22.

ninepence, to four men who had been employed watching the king's ships for twenty-three weeks.[1] In 1326, the fortifications of the castle of Tarbet having become insecure in some places, Robert the mason was employed to repair and strengthen the walls. This he did by contract, and as the quantity of work which was executed does not appear, no exact inference can be drawn from the sum paid, which amounted to two hundred and eighty-two pounds fifteen shillings.[2] But in this work, two labourers were employed in carrying lime from Thorall to Tarbet, for twenty-nine weeks and three days, and received four shillings a week for their wages,[3] being sixpence and a fraction for each day. Days' wages, however, sometimes fell still lower; five barrowmen, or carriers, for three weeks' work, received each only three shillings and fourpence; and for apparently the same repairs of Tarbet castle, seven labourers or barrowmen were engaged for thirty-two weeks at the rate of fourteenpence a week each.[4]

Higher craftsmen, of course, received nigher wages. John the carpenter was engaged for thirty-two weeks at threepence a day, with his meat, which was each month a boll of oatmeal, and one *codra* of cheese, the boll being reckoned at two shillings, and the *codra* of cheese at sevenpence.[5] Nigel the smith had twelve pounds, and Nicolas the mason six pounds thirteen shillings and fourpence, for his yearly wages.[6] The cooks who exercised their mystery at the nuptial feast given on the marriage of David the Second at Berwick received, on that occasion, twenty-five pounds six shillings and eightpence.[7] To the minstrels who attended the ceremony, and we must remember that the rejoicings continued probably for many days, there was given sixty-six pounds fifteen shillings and fourpence.[8] John, the apothecary of King Robert Bruce, received for his salary eighteen pounds, and for his robe, a perquisite which we find given to many of the king's servants and officers, the sum of twenty-six shillings and eightpence.[9] It is somewhat singular that many years after this, in 1364, Thomas Hall, the physician of David the Second, received only ten marks for his salary.[10] In 1358, however, Hector, the doctor, received at once from the king a fee of five pounds six shillings and eightpence, so that it is difficult to ascertain exactly the rate of the fees or the salaries of these learned leeches. The druggist, indeed, appears to have been a favourite; for, in addition to his salary and his robe, we find him presented by the king in the course of the same year with a gift of fourteen pounds thirteen shillings and fourpence.

The prices of clothes, according to the coarseness or the costliness of the materials, varied exceedingly. A robe for the keeper of the gate of the king's chapel cost only twenty shillings; a robe for Patrick de Monte-alto, which was, in all probability, lined with rich furs, cost four pounds;[11] a robe for the clerk of the rolls, twenty-six shillings[12] on one occasion, and thirty shillings on another;[13] whilst John Bysit, a poor monk of Haddington, and one of King Robert's pensioners, was allowed, in 1329, twenty shillings annually for his clothing;[14] and later than this, in 1364, a poor scholar, who is denominated a relation of the king, received from David the Second four pounds annually, to provide himself in food and clothing.[15] In 1263, Alexander the Third granted fifty shillings to nine prebendaries to provide themselves with vestments.[16]

Wine appears to have been consumed in large quantities at the royal table. In 1263, under Alexander the Third, who is celebrated in a fragment

[1] Excerpta ex Rotulo Temp. Alex. III. p. 9.
[2] Compotum Constab. de Tarbat, vol. i. p. 3.
[3] Ibid. p. 3. [4] Ibid. p. 4.
[5] Ibid. p. 5. In pp. 77, 78, we find a tonegall of cheese, which is there stated to be equal to six stones, sold for three shillings.
[6] Ibid. p. 5.
[7] Chamberlains' Accounts, p. 96.
[8] Chamberlains' Accounts, p. 96.
[9] Ibid. p. 99. [10] Ibid. p. 539.
[11] Ibid. pp. 101, 400. [12] Ibid. p. 478.
[13] Ibid. p. 526. [14] Ibid. p. 101.
[15] Ibid. p. 413.
[16] Excerpta ex Rotul. Compot. Temp. Alex. III. p. 13.

of an old song for "wine and wax, gamyn and glee," a hundred and seventy-eight *dolii*, or hogsheads, of wine were bought for four hundred and thirty-nine pounds sixteen shillings and eightpence. In 1264, sixty-seven hogsheads and one pipe cost the royal exchequer three hundred and seventy-three pounds sixteen shillings and eightpence; whilst, in 1329, forty-two hogsheads, purchased from John de Hayel, a merchant at Sluys, in Flanders, cost a hundred and sixty-eight pounds.[1] A pipe of Rhenish wine, bought for David the Second at the time he held his court at Dundee, cost five pounds; but a pipe of the same wine, of finer flavour, which David had sent to the Countess of Strathern, cost seven pounds six shillings and eightpence, in 1361.[2] In 1364, the same lady received a hogshead of wine by the king's orders, for which the chamberlain paid six pounds thirteen shillings and fourpence.[3] These wines were, without doubt, the same as those imported into England from Spain, Gascony, and Rochelle, and of which we find the prices fixed by a statute of Richard the Second.[4] Other wines of inferior price were probably mixtures compounded in the country, and not of pure foreign growth. Thus, in 1263, we find the dolius, or hogshead, of red wine, *vinum rubrum*, sold for thirty-six shillings and eightpence, and at the same time the hogshead of white wine brought two pounds.[5] In other articles of luxury for the table, the great expense seems to have been in spices, confectionary, and sweetmeats, in which quantities of mace, cinnamon, flower of gilliflower, crocus, and ginger appear to have been used, upon the prices of which it would be tedious and useless to enlarge.

Some idea of the prices of gold and silver plate may be formed from an item in the Chamberlains' Accounts of the year 1364, in which it appears that Adam Torre, burgess of Edinburgh, furnished for the king's table thirteen silver dishes, and six silver saltcellars, for which he was paid seventeen pounds twelve shillings.[6]

With regard to the rent and the value of land at this period, the subject, to be investigated in a satisfactory manner, would lead us into far too wide a field; but any reader who is anxious to pursue so interesting an inquiry will find in the Cartularies of the different religious houses, and in the valuable information communicated by the books of the Chamberlains' Accounts, a mass of facts, from the comparison of which he might draw some authentic deductions. The great difficulty, however, in an investigation of this nature, would arise from the want of any work upon the exact proportion which the ancient divisions of land, known in the Cartularies by the epithets of carucatæ, bovatæ, perticatæ, rodæ, virgatæ, bear to the measures of land in the present day: a desideratum which must be felt by any one attempting such an inquiry in every step of his progress. For example, in an ancient roll containing the rents of the Monastery of Kelso preserved in the Cartulary of that religious house, and drawn up prior to 1320, we find that the monks of this opulent establishment possessed the grange, or farm, of Reveden in Roxburghshire, in which they themselves cultivated five carucates of land. The remainder of the property appears to have been divided into eight husbandlands, *terræ husbandorum*, for which each of these husbandmen paid an annual rent of eighteen shillings. Upon the same grange they had nineteen cottages, for eighteen of which they received an annual rent of twelve pennies, and six days' work at harvest and sheep-shearing. The ninth cottage rented at eighteenpence and nine days' harvest work. Upon the same property they had two breweries, yielding a rent of two marks, and one

[1] Excerpta ex Rotul. Compot. Temp. Alex. III. p. 17. Chamberlains' Accounts, p. 97.
[2] Ibid. p. 377.
[3] Ibid. p. 412. See also p. 414.
[4] M'Pherson's Annals of Commerce, vol. i. p. 592.
[5] Excerpta ex Rotul. Compot. Temp. Alex. III. p. 44.
[6] Chamberlains' Accounts, p. 411.

mill, which brought them nine marks yearly.[1] The difficulty here is to ascertain the size of these husbandlands, in which inquiry, at present, I know not of any certain guide. The bovate, or oxgang of land, according to Spelman and Ducange, contained eighteen acres; a carucate contained eight bovates; and eight carucates made up a knight's fee: but that the same measures obtained in Scotland cannot be confidently asserted. Indeed, we know that they varied even in England, and that a deed quoted in "Dugdale's Monasticon," makes the bovate contain only ten acres; whilst Skene, upon no certain authority, limits it to thirteen.

In the same monastic roll, we find that Hugo Cay had a small farm, which consisted of one bovate, for which he paid to the monks a rent of ten shillings; and for a cottage, with six acres attached to it, and a malt-house, the tenant gave six shillings a-year. At a remote period, under Alexander the Second, the monks of Melrose purchased from Richard Barnard a meadow at Farningdun, consisting of eight acres, for thirty-five marks. In 1281, we have already seen that the portion of Margaret, princess of Scotland, who was married to Eric, king of Norway, was fourteen thousand marks. At the same time it was stipulated that, for one-half of the portion, the King of Scotland might, at his option, assign to the King of Norway during the continuance of the marriage, rents of lands amounting to a tenth part of the money, or to seven hundred marks yearly; whilst it was settled that the princess was to have a jointure of one thousand four hundred marks; and in both the public instruments drawn up upon this occasion, an annuity upon the life of Margaret, then in her twenty-first year, was valued at ten years' purchase.[2] In 1350 a perpetual annuity of eight marks sterling, or five pounds six shillings and eightpence, secured on land, was bought for one hundred and twenty marks, being exactly fifteen years' purchase.[3] To any of my readers who may be solicitous to pursue these inquiries further; to investigate the comparative value of food and labour in the sister countries, and their relation to the prices in the present day, I would recommend the table of the prices of corn, and other necessary articles, subjoined to M'Pherson's Annals of Commerce, a work which is a storehouse of authentic and interesting information upon the early history, not only of European commerce, but of European manners.

SECTION V.

STATE OF THE EARLY SCOTTISH CHURCH.

During the period embraced by the above observations, the Catholic Church, from the fear of encouraging heresy and error, interdicted the unrestricted study of the Scriptures to the laity. Her solemn services were performed in a language not understood by the community at large. The people were dependent not only for religious knowledge, but for the commonest elements of secular instruction, upon their parish priests; printing was unknown, manuscripts rare, and letters generally despised by the higher orders. Under such obstacles, we are not to be surprised that the common character of the age was that of great darkness and ignorance, and that our Scottish ecclesiastical annals (so far as I am able to judge) present us with few active efforts for their removal. But there is another side upon which the view which they offer is more pleasing: I mean, the civil influence which the Church exerted upon the character of the government and of the people. And here I cannot help observing that the history of her early relations with Rome is calculated to place our clergy in a favourable light as the friends of liberty. The obedience

[1] Cartulary of Kelso, MS. Rotulus Reddituum Monasterii de Kalchow.

[2] History, supra, p. 21.

[3] Hailes' Annals, vol. ii. p. 275. M'Pherson's Annals of Commerce, Appendix, vol. iv. No. III., Chronological Table of the Prices of Corn, and other necessary articles.

which, in common with the other churches in Christendom, they paid to the great temporal head of the Catholic religion, was certainly far from being either servile or unlimited; and it is singular that the same fervid national spirit, the same genuine love of independence which marks the civil, distinguishes also the ecclesiastical annals of the country. The first struggles of our infant Church were called forth, not against any direct encroachments of the Papal power, but to repel the attacks of the metropolitan sees of York and Canterbury. It was, at an early period, the ambition of one or other of these potent spiritual principalities to subject the Scottish primate, the Bishop of St Andrews, to the dominion of the English Church, by insisting upon his receiving the right of consecration from the hands of one of the archbishops of England;[1] and nearly the whole reign of Alexander the First was spent in a determined resistance against such an encroachment, which concluded in the complete establishment of the independence of the Scottish Church.

To introduce civilisation and improvement amongst his subjects, and to soften the ferocity of manners and cruelty of disposition which characterised the different races over whom he ruled, was the great object of Alexander's successor, David the First; and he early found that the clergy, undoubtedly the most enlightened and learned class in the community, were his most useful instruments in the prosecution of this great design. Hence sprung those munificent endowments in favour of the Church, and that generous liberality to the ecclesiastical orders which has been too rashly condemned, and which was perhaps necessary, in another point of view, in providing something like a counterpoise to the extravagant power of the greater nobles. Under this monarch the individual freedom of the Scottish Church was rigidly maintained; while, at the same time, it declared itself a willing subject of the Papal throne, and received the legate of the supreme pontiff with much humility and veneration. Individual independence, however, was esteemed in no degree incompatible with an acknowledgment of subjection to the chair of St Peter. It is remarkable, too, that at this remote period there are traces of a freedom of discussion and a tincture of heretical opinions which, if we may believe an ancient historian, had for a long time infected the faith of the Scottish clergy.[2]

After a feeble and ineffectual attempt, under the reign of Malcolm the Fourth, to renew the attack upon the freedom of the Church, Henry the Second ungenerously availed himself of the captivity of William the Lion to extort an acknowledgment of spiritual, as well as feudal, subjection; but on this memorable occasion the dexterous diplomacy of the Scottish commissioners, the Bishops of St Andrews and Dunkeld, procured the insertion of a clause in the treaty which left the question of the independence of the national Church open and undecided;[3] and at a council, soon after held at Northampton, in the presence of the Papal legate, the Scottish bishops asserted their liberty, declaring that they never had yielded any subjection to the English Church; and opposing, with a zeal and boldness which in this instance, proved successful, the unfounded pretensions of the rival sees of York and Canterbury.[4]

Hitherto engaged in repelling these inferior attacks, the Scottish clergy soon after found themselves involved, by the imperious character of the king, in a serious contention with the popedom itself. On the death of the Bishop of St Andrews, the chapter chose, for his successor, an English monk, in opposition to the wishes of the king, who intended the primacy for Hugh, his own chaplain. With the violence which marked his character, William immediately seized the

[1] Eadmer, p. 99. Edition, folio, by Selden. Hailes, vol. i. pp. 54, 55.

[2] R. Hagulstad. p. 325.

[3] Fœdera, vol. i. p. 39.

[4] Fordun a Goodal, vol. i. p. 474.

revenues of the see; procured Hugh to be consecrated; put him in possession: and when his rival, who had appealed in person to the Pope, returned with a decision in his favour, he was met by a sentence of banishment, which involved his whole family and connexions in his ruin.

On this information reaching Rome, legatine powers were conferred, by the incensed Pontiff, on the Archbishop of York and the Bishop of Durham, with a reserved authority to direct the thunder of excommunication against the king, in the event of his contumacy; and the clergy of the diocese of St Andrews were commanded, upon pain of suspension, to acknowledge the authority of the extruded primate. But nothing could shake the firmness of William. He replied to this new sentence of the Pope by banishing every person that dared to yield obedience to the Papal favourite; upon which the sentence of excommunication was pronounced by the legates, and the kingdom laid under an interdict. At this critical and terrible moment, when the monarch's determination to assert his own right of nomination had, in the sense of those times, plunged the land in spiritual darkness, the Pontiff, Alexander the Third, died, and the King of Scotland lost not a moment in sending his commissioners to Rome, who succeeded in procuring from Lucius, the new Pope, a recall of the sentence of excommunication and interdict, and an ultimate decision in favour of the king. The mode in which this was done was ingeniously calculated to gratify William, without detracting from the supreme authority of the Roman see. The two rival candidates, John and Hugh, came forward, and resigned into the hands of the Pope all right to the contested bishopric; upon which the Pope installed Hugh, the favourite of the king, in the throne of St Andrews, and placed John in the inferior see of Dunkeld: a remarkable triumph, if we consider that it was achieved at a time when the proudest monarchs in Europe were compelled to tremble before the terrors of the popedom.[1]

Not long after, Lucius, in his paternal anxiety to demonstrate his affection for his northern son, sent the golden rose to William, an honour rarely bestowed, and highly prized in that age; and this distinction only led to more important privileges, conferred by Clement the Third, the successor of Lucius, upon the Scottish Church.[2] It was declared that in consequence of William's devoted and zealous affection to the Chair of St Peter, (a singular compliment to a prince who had lately opposed it in so determined a manner,) the Scottish Church was adopted as the special and favourite daughter of the apostolic see, and declared to be subject to no other intermediate power whatever. To the Pope alone, or to his legate *a latere*, was permitted the power of publishing the sentence of interdict and excommunication against Scotland; upon no one, unless a native of Scotland, or at least a person specially deputed by the Holy Father for this purpose, was the office of legate to be conferred; and in the event of any controversies arising regarding benefices, it was enacted that no appeal should be competent to any foreign tribunal, except that of the Roman Church.[3]

These were high privileges: they at once put an end to the pretended superiority of the English Church, and conferred upon the Scottish prelates a vantage ground, from which they jealously defended, and eagerly watched the opportunity to extend and improve their rights. This is strikingly exemplified in the reign of the successor of William, Alexander the Second. The Scottish monarch had made war upon John, king of England at the time that he had placed himself and his realm under the peculiar protection of the Pope—a proceeding which drew down a sentence of excommunication and interdict

[1] R. Hov. Hist. p. 621.
[2] Chron. Melross, p. 92. Gulielm. Neubrig. p. 754.
[3] Chronicon, Joan. Brompton, p. 1196.

against Alexander and his subjects. The temper with which this was received seems to have convinced the Roman court that the terrors of his spiritual thunder were little felt in Scotland; and fearful, perhaps, of losing its influence altogether, it permitted the Scottish king, without performing the ignominious penance which generally preceded absolution, to be again welcomed into the bosom of the Church. At the same time, the sentence was removed from the whole body of his lay subjects; but the prelates and the rest of the clergy found that they could only be restored to the exercise of their spiritual functions upon the payment of large sums of money to the legate and his deputies.[1] Against this severity the king, jealous of the rights of his clergy, appealed to Rome, and obtained a judgment in his favour, which declared that the legate had exceeded his powers, and confirmed the privileges of the Scottish Church.[2]

After a short time, this led to a still more important concession. In a moment of carelessness or indulgence, Honorius listened to the artful representations of the Scottish clergy. They lamented that, from the want of a metropolitan, they could not hold a provincial council, and that, in consequence of this misfortune, many enormities had been committed, upon which he authorised them to dispense with this necessary solemnity, and to assemble a General Council of their own authority. This permission, there cannot be the least doubt, was meant to be temporary; but it was loosely expressed, and the Scottish clergy instantly perceived and availed themselves of its ambiguity. They affected to understand it as of perpetual authority, assembled under its sanction, drew up a distinct form of proceeding, by which the Scottish provincial councils should in future be held, instituted the office of Conservator Statutorum, and continued to assemble frequent provincial councils, without any further application for the consent of the holy see.[3]

This happened in 1225, and the importance of the right which had been gained was soon apparent. For a long period Scotland had impatiently submitted to the repeated visits of a Papal legate, who, under the pretext of watching over the interests and reforming the abuses of the Church, assembled councils and levied large sums of money in the country. On the meeting of the Scottish king and Henry the Third at York, Otho, a cardinal deacon, and at that time legate in England, took an opportunity to intimate his intention of visiting Scotland, in order to inquire into the ecclesiastical concerns of the kingdom. "I have never seen a legate in my dominions," replied Alexander, "and as long as I live I will not permit such an innovation. We require no such visitation now, nor have we ever required it in times past." To this firm refusal the king added a hint, that should Otho venture to disregard it and enter Scotland, he could not answer for his life, owing to the ferocious habits of his subjects; and the Italian prudently gave up all idea of the expedition.[4] But the zeal of the Papal emissary was checked, not extinguished; and after a few years Otho again attempted to make his way into Scotland. Alexander met him while he was yet in England, and a violent remonstrance took place, which ended in the legate being permitted to hold a council at Edinburgh, with a stipulation given under his seal that this permission to enter the kingdom should not be drawn into a precedent. The king, however, refused to countenance by his presence what he affirmed to be an unnecessary innovation, and retired into the interior of his kingdom; nor would he suffer the

[1] Fordun a Goodal, vol. ii. p. 40.
[2] Ibid. vol. ii. p. 42.

[3] Cart. of Moray, MS. Ad. Library, Edin. p. 11. The canons of the Church of Scotland were transcribed by Ruddiman from the Cartulary of Aberdeen, and communicated to Wilkins, who published them in the first volume of the Concilia Magnæ Britanniæ. They were afterwards printed by Lord Hailes, with notes.
[4] Math. Paris a Wats., p. 377.

legate to extend his pecuniary exactions beyond the Forth.[1]

In Alexander the Third, who equalled his predecessor in firmness, and surpassed him in sagacity, the Church found a resolute patron and defender. A summons, by a Papal legate, addressed to the clergy of Scotland, commanding them to attend his court at York, was pertinaciously resisted as being an infringement of their ancient privileges;[2] whilst an attempt to levy money upon the cathedrals and parish churches, and to enter the country, was opposed by the king; and in both instances the opposition was successful.[3] But this was not all. The Scottish clergy disclaimed obedience to the canons for the regulation of the ecclesiastical affairs of the country, which were enacted in a council held by the Papal legate in England; and aware of their own strength, assembled a provincial council at Perth, in which they promulgated canons of their own and asserted their independence. In this manner the opposition which the firmness of the second Alexander begun, the resolution of his successor completed; and before the conclusion of his reign the independent rights of the Scottish Church may be regarded as firmly established.

Whilst the Scottish monarchs and their clergy were thus amicably united in their resolutions to establish their independence, the internal relations which united the civil and ecclesiastical authorities, and the good understanding subsisting between the Crown and the Church, were little uninterrupted by those fierce contentions which disturbed the repose of many other European kingdoms; and the superior information and influence of the clergy were employed by our monarchs as a mean of improving the savage habits of their people, and a counterpoise to the exorbitant power of the great feudal nobles. It was amongst the clergy alone that at this early period we find anything like a progress in the arts and in literature, if indeed, the learning of our country during this age deserves so high a name. In their disquisitions in scholastic theology; in an acquaintance with the civil and canon law; in the studies of alchemy and judicial astrology; and, in some rare instances, in a knowledge of the Oriental languages and the mathematics, the clergy of Scotland were not far behind their brethren of Europe. There were a few individual instances in which the subtle, fervid, and indefatigable mind which, according to Galileo, marked the Scots at the era of the revival of letters, was to be seen amongst the Scottish scholars and philosophers of this remote age.[4] John Duns Scotus, a name which is now associated with feelings of unmerited ridicule, the founder of a school which extended its ramifications through every country in Europe, for the encouragement of which princes lavished their treasures, and the most noted universities were ready to devote their exclusive patronage, was undoubtedly a Scotsman, born in the Merse in the latter end of the reign of Alexander the Third. Unable to procure instruction in any of the higher branches of knowledge in his own country, he pursued his studies at Oxford; and from this university repaired to Paris, where he found an asylum at the time that the arms of Edward the First had gained a temporary triumph over the liberties of his native country. The labours of this indefatigable schoolman, shut up in twelve folios, once handled with reverential awe, enjoy undisturbed repose upon the shelves of many a conventual library; yet his genius undoubtedly impressed itself strongly and lastingly upon his age; and the same mind, if fallen on better days, might have achieved less perishable triumphs, and added to the stock of real knowledge.[5]

It has been already remarked that in those dark days in Scotland, as well as in every other country in Europe,

[1] Math. Paris, p. 422.
[2] Fordun a Goodal, vol. ii. p. 96.
[3] Ibid. vol. ii. p. 105.

[4] This curious fact will be found mentioned in Sir R. Sibbald, Historia Literaria Gentis Scotorum, p. 30. MS. in the Ad. Library at Edinburgh.

[5] Cave, Hist. Literaria, vol. ii. p. 3 of the Appendix.

the whole stock of learning and science was shut up in the Church; and as the great body of the Scottish clergy received their education in the universities of Oxford or Paris, for as yet no great seminaries of learning had arisen in their own country, we must look for the intellectual acquirements of this influential body in the nature of the studies which were then fashionable in the schools. That period of time which elapsed from the commencement of the thirteenth to the beginning of the fourteenth century has been distinguished in the history of human knowledge by the title of the scholastic age; and a very slight view must convince us how dark a picture it presents. It is marked by the rise of the second age of the scholastic theology, in which the Aristotelian logic and metaphysics were, for the first time, introduced into the demonstrations of divine truth, and employed as an aid in the explanation of the Holy Scriptures.

The compilation of voluminous and intricate systems of divinity which was introduced in the Greek Church, as early as the eighth century, by John of Damascus, and in the Latin by the unfortunate Abelard, seems to have suggested to Peter Lombard the idea of compiling what he termed his "Four Books of the Sentences," which he extracted from the writings of the fathers, and more especially of St Augustine.[1] This work acquired, in a short time, an extensive reputation; and its author, known by the name of the Master of the Sentences, became the founder of the scholastic theology. But this great system continued for a century comparatively pure and unsullied; nor was it till its second age that we meet with the perpetual reference to the dogmas of Aristotle, which, with equal absurdity and impiety, were quoted as giving authority to the word of God. In progress of time the error gained strength, and, poisoning the sources of truth and knowledge, transformed the pure doctrines of the Scriptures, as they are found in the Bible, into an unmeaning rhapsody of words. Under both these ages of the scholastic theology, Scotland produced scholars whose reputation stood high in the schools. Richard, a prior of St Victor at Paris, and Adam, a canon regular of the Order of Premonstratenses, illuminated the middle of the thirteenth century by voluminous expositions upon the Prophecies, the Apocalypse, and the Trinity; by treatises on the threefold nature of contemplation, and soliloquies on the composition and essence of the soul; while, during the second age of the scholastic theology, John Duns delivered lectures at Oxford to thirty thousand students.[2] In the exact sciences, John Holybush, better known by his scholastic appellation, Joannes de Sacrobosco, acquired, during the thirteenth century, a high reputation, from his famous treatise upon the Sphere, as well as by various other mathematical and philosophical lucubrations; and although claimed by three different countries, the arguments in favour of his being a Scotsman are not inferior to those asserted by England and Ireland. Like his other learned brethren, who found little encouragement for science in their own country, he resided in France; and even at so late and enlightened a period as the sixteenth century, and by no less a scholar than Melancthon, was Sacrobosco's work, the "Computus Ecclesiasticus," esteemed worthy of the editorial labours of this reformer.

Another extraordinary person, who figured in those remote times, and over whose life and labours superstition has thrown her romantic and gloomy light, was Michael Scott, the astrologer of the Emperor Frederic the Second, and the great assistant of that monarch in his plan for restoring the works of Aristotle to the learned world of Europe, through the medium of translations from the Arabic. Previous to his reception at the court of Frederic, Michael had studied at Oxford; and he afterwards visited France, Italy, and Spain, in the unwearied pursuit

[1] Cave, Hist. Literaria, vol. ii. p. 221. Spanheim, Epitome Isagogica ad Hist. Novi Test. p. 394.

[2] Cave, Hist. Liter. vol. ii. p. 228. Ibid. Appendix, p. 3.

of such knowledge as the great universities of those countries afforded to the students of the thirteenth century. Mathematics, astronomy, and the sister art of astrology, were his favourite pursuits; and in Spain, then partly in possession of the Arabians, and assuredly at this time the most enlightened portion of Europe, he acquired that acquaintance with the Arabic which, in the general ignorance of the Greek language, was the only source from whence a knowledge of the Aristotelian philosophy could be derived. In obedience to the injunctions of the emperor, Michael Scott commenced his labours; and from the manuscripts which he has left, and which have reached our times, it is probable that he did not conclude them until he had translated and commented on the greater part of the works of the Stagyrite.[1] From the plan of Frederic, however, or the versions of the Scottish philosopher, little real benefit could be derived to science, for the Arabians had themselves greatly corrupted Aristotle; and we need not wonder that translations from such sources, and made in utter ignorance of the language of the original, must have retarded rather than accelerated the progress of real knowledge. Accordingly, Roger Bacon, a man whose genius was far in advance of the age in which he lived, is not unsparing in his censure; and, in no very measured phrase, accuses the wizard of being at once a plagiarist and an impostor.[2] As a mathematician and astronomer he is entitled to less dubious praise; and his commentary on the "Sphere of Sacrobosco" was thought worthy of being presented to the learned world of Italy at so late a period as 1495.[3] It may be conjectured, therefore, that Michael owes much of his fame to his assumption of the character of a prophet and a magician; and that if the greatest of our Scottish minstrels had not embalmed him in his imperishable poem, and the high-wrought superstition of his country interwoven his dreaded predictions into the body of her romantic legends, his name might long ago have sunk into oblivion.[4] He was Baron of Balwearie in Fife, and must have been born previous to the year 1217.[5] The name of John Suisset, whose profound mathematical attainments are commemorated by Scaliger and Cardan, completes the brief catalogue of those philosophers and men of science whom Scotland, in that remote age, sent out to contest the palm of intellectual superiority with their brethren of Europe; and when we consider that everything which could afford an encouragement to letters or to science was then a desideratum in our country, it is honourable to find, by the acknowledgment of the scholars of Italy, "that the barbarians were considered not inferior in genius to themselves."[6]

In turning, however, from such rare examples of talent in the Church to the literary attainments of the nobility, or to the means of instruction possessed by the great body of the people, the prospect is little else than a universal blank. During the long period from the accession of Alexander the Third to the death of David the Second, it would be impossible, I believe, to produce a single instance of a Scottish baron who could sign his own name. The studies which formed the learning of the times were esteemed unworthy

[1] Jourdain, Recherches Critiques sur l'age des Traductions Latines d'Aristotle, pp. 132, 133.

[2] "Michael Scotus, ignarus quidem et verborum et rerum; fere omnia quæ sub nomine ejus prodierunt ab Andrea quodam Judæo mutuatus est."—Roger Bacon apud Jourdain, p. 141. This learned Oriental scholar conjectures that in the above passage, for Andrea, we should read Avendar Judæo.

[3] Panzeri, Annales Typogr. vol. i. p 231.

[4] "Michael iste dictus est spiritu prophetico claruisse, edidit enim versus, quibus quarundam Italiæ urbium ruinam variosque predixit eventus."—Pipino apud Jourdain, p. 131. See also Benvenuto da Imola's Commentary on the Inferno, book xx. v. 115.

[5] This is evident from a Latin MS. at Paris, which bears to have been translated by Michael Scott at Toledo, anno Christi MCCXVII.

[6] In speaking of Suisset and John Duns, Cardan, in his Treatise de Subtilitate, p. 470, observes, "Ex quo haud dubium esse reor, quod etiam in libro de Animi Immortalitate scripsi, barbaros ingenio nobis haud esse inferiores, quandoquidem sub brumæ cœlo divisa toto orbe Britannia duos tam clari ingenii viros emiserit."—Irving's Lives of the Scottish Poets, vol. i. p. 31.

of the warlike and chivalrous spirit of the aristocracy, and universally abandoned to the Church. Yet there is ample evidence in the Cartularies that Scotland, although possessed of no college or university, had schools in the principal towns, which were under the superintendence of the clergy, and wherein the youthful candidates for ecclesiastical preferment were instructed in grammar and logic. We find, for example, in the Cartulary of Kelso that the schools in Roxburgh were under the care of the monks of Kelso during the reign of David the First; and that the rector of the schools of this ancient burgh was an established office in 1241.[1] Perth and Stirling had their schools in 1173, of which the monks of Dunfermline were the directors; and the same authentic records introduce us to similar seminaries in the towns of Ayr, South Berwick, and Aberdeen.[2]

It seems also probable that, within the rich monasteries and convents which at this period were thickly scattered over Scotland, there were generally to be found schools, taught by the monks, who were in the habit of receiving and educating the sons of the nobility.[3] It is certain that, attached to the cathedral church belonging to the Monastery of St Andrews, there stood a lyceum, where the youth were instructed in the Quodlibets of Scotus;[4] and that, so early as 1233, the schools of St Andrews were under the charge of a rector. A remarkable instance of this is to be found in the Cartulary of Kelso, where Matilda, the Lady of Moll, in the year 1260, grants a certain rent to be paid to the abbot and the monks of this religious house, under the condition that they should board and educate her son with the best boys who were intrusted to their care.[5]

In the Accounts of the Chamberlain of Scotland we find an entry of twenty shillings, given by Robert Bruce, in 1329, to the support of the schools at Montrose;[6] and the same record recounts a charitable donation of £13, 6s. 8d. presented by this monarch to Master Gilbert de Benachtyn, for his support in his studies.[7] Yet the instances of eminent Scottish scholars, which have been already noticed, prove convincingly that their own country could, at this period, afford them little else than the bare rudiments of education; and the consequent resort of students to France led to the foundation of the Scots College at Paris, in the year 1325, by David, bishop of Moray,—an eminent seminary, which was soon replenished with students from every province in Scotland.[8]

In addition to the Scholastic Theology, both the Civil and the Canon Laws were ardently cultivated during the thirteenth and fourteenth centuries, an eminence in these branches being considered the certain road to civil and ecclesiastical distinction. The titles of Doctor decretorum, Licentiatus in legibus, and Baccalaureus in decretis, are found, not unfrequently, subjoined to the names of our dignitaries in the Church; and the Records of the University of Paris afford evidence that, even at this early period, the Scottish students had not only distinguished themselves in the various branches of learning then cultivated, but had risen to some of the highest situations in this eminent seminary.[9] From these foreign universities they afterwards repaired to their own country, bringing with them the learning, the arts, and the improvements of the

[1] Cartulary of Kelso, pp. 1, 258, 343.

[2] Sir L. Stewart's Coll. Ad. Lib. No. 45. Cart. of Paisley, p. 284. Cart. of Aberdeen, pp. 74, 80, 81 Caledonia, vol. i. pp. 767, 768.

[3] Ant. Augustini Epitome Juris Pontificii Veteris, vol. ii. p. 34.

[4] Martine's Reliquiæ Divi Andreæ, p. 187.

[5] Cart. of Kelso, p. 114.

[6] Cart. of Dunferm. M'Farlane's Transcript, p. 579.

[7] Compot. Camerarii Scotiæ, pp. 95, 96. See also p. 413 for this singular entry in the time of David the Second, anno 1364. "Et in victu et vestitu unius pauperis scolaris consanguinei domini nostri regis apud Edinburgh de mandato regis, 4 lbs."

[8] Irving's Lives of the Scottish Poets, Prefatory Dissertation, p. 61. Nicholson's Scottish Historical Library, p. 77.

[9] Bulæus, Hist. Univers. Parisiens, vol. iv. pp. 960, 968, 974, 989. Keith's Catalogue of Scottish Bishops, pp. 82, 83, 84. Mylne, Vitæ Episcoporum Dunkeldensium, p. 17. Editio Bannatyniana.

Continent. There is evidence, in the history of the various foundations of our religious houses by our early monarchs, that the clergy who were educated abroad were especially favoured at home; and after their settlement in the Church, a constant intercourse with their continental brethren enabled them to keep pace, in intellect and knowledge, with the great family of the Churchmen of Europe. For such learning as then existed in the world the monasteries afforded, in Scotland as in other countries, a sacred receptacle; and although the character of the theology there taught was not of a high order, and the state of other branches of human learning deformed by error, yet, without the feeble spark preserved in the religious houses, and the arts of life which were there cultivated and improved by the clergy, the state of the country, during the period of which we are now writing, would have been deplorable indeed. Much that we know of the authentic circumstances of the times we owe to the monastic annalists, who employed their leisure in the composition of those rude chronicles which, distant as they are from the model of a grave or enlightened history, often convey to us very striking pictures.

In every monastery in Scotland it appears to have been the custom to compile three sorts of register-books; specimens of which having been saved from the wreck of time, enable us to form a pretty correct idea of their nature and contents. The first was a general register, compiled in the shape of a chronicle, or book of annals, containing the events arranged under the years in which they happened. Such are the fragments entitled, "Chronica de Origine Antiquorum Pictorum;" the "Chronicon Sanctæ Crucis;" the "Chronicle of Melross;" the short fragment of the "Chronicle of Holyrood;" the "Liber Pasletensis;" and various other ancient "chronica," which were written anterior to the fatal year 1291, when Edward collected and carried away the historical records of the country.

The second species of monastic register was a bare obituary, in which we find recorded the decease and the interment of the various abbots, priors, and benefactors of the monastery: and the third was the Cartulary, in which the charters of the kings or other great men who favoured the religious house; the bulls of the popes; the revenues of their lands; the leases granted to their vassals or dependants; the history and the proceedings of the various lawsuits in which they were engaged; the taxes which they paid to the crown; and many other minute and interesting particulars are recorded.[1] The collection of these last is fortunately much more complete than we should have anticipated, from the lamentable havoc and destruction which occurred at the period of the Reformation. Many of the original Cartularies are preserved in that noble repository of manuscripts which is the property of the Faculty of Advocates; others have been discovered in the libraries of ancient families or of private collectors; and it is in this great storehouse of authentic records that there is to be found, although in a shape somewhat repulsive to the general reader, the most fresh and living pictures of the manners of the times.

This period, however, besides these monkish annalists, produced one writer of original genius: I mean Barbour, the metrical historian of Bruce, of whose work it is difficult to say whether it ranks highest as a faithful history of this great monarch, and of the manners of his age, or a graphic and spirited poem, full of noble sentiment, and occasionally varied with beautiful descriptions of natural scenery. It is in every respect a remarkable production for so early an age as the middle of the fourteenth century; and contains many passages, which, in the strength and purity of the language, in the measured fulness of the rhythm, and the richness of the imagery, are not inferior to Chaucer.[2] Its author was born about the year 1316; and,

[1] Nicholson's Scottish Historical Library, p. 77.

[2] Warton's History of English Poetry, p. 318.

after having received the rudiments of his education in his own country, pursued his higher studies at Oxford, and afterwards in France.[1] On his return to his native country, he rose to considerable preferment in the Church, and devoted the leisure which he spared from the duties of his archdeanery to the composition of his great national poem, for which he was rewarded by a pension from Robert the Second.[2] Another work of this writer was a history or genealogy of the Kings of Scotland, compiled, in all probability, from Wace, or Geoffrey of Monmouth, and entitled "The Brute." It is mentioned in "W.nton's Chronicle,"[3] but has not reached our times. Winton himself, and his brother historian, Fordun, both writers of great value, do not properly belong to this period.

Considerably prior, in point of time, to Barbour was the celebrated Thomas the Rhymer, or Thomas of Ercildoune, the author of the romance of Sir Tristrem, a poem which enjoyed the highest celebrity, not only in his own country and in England, but throughout Europe. It has been observed as a remarkable circumstance that while, prior to the period of Chaucer, there is to be found no English romance which is not a translation from some earlier French original; and at the time when the progress of the English language, in the country which has given it its name, was retarded by many powerful obstacles, the poets of the south of Scotland appear to have derived their romantic fictions from more original sources, and to have embodied them in a dialect of purer English, than the bards of the sister kingdom. In the romance of Sir Tristrem, written about the middle of the thirteenth century,[4] and in two other more ancient Scottish romances, Gawan and Gologras, and Goloran of Galloway, so very scanty are the traces of anything like a French original, that, according to the conjecture of the great writer to whom we owe the publication of the first and most interesting of these early relics, it is probable they have been originally extracted from that British mine of romantic fiction from which have proceeded those immortal legends of Arthur and his knights, which took such a hold on the youthful imagination of Milton. The names of all the important personages in the story are of British origin; and it is conjectured, upon data which it would be difficult to controvert, that in Tristrem himself, however transformed by the poetic colouring of Thomas of Ercildoune, we are to recognise an actual British warrior, who, in the last struggles of the little kingdom of Cornwall against its Saxon invaders, signalised himself by those exploits which have given the groundwork to this poetic romance.[5] In England, the Norman conquest, and the consequent prevalency of the Norman-French, which became the language of the court, and the medium in which all legal proceedings were carried on, necessarily corrupted the purity of the Saxon language. "In England," to use the words of Sir Walter Scott, in his introduction to Sir Tristrem, "it is now generally admitted that after the Norman conquest, while the Saxon language was abandoned to the lowest of the people, and while their conquerors only deigned to employ their native French, the mixed language, now called English, existed only as a kind of lingua Franca, to conduct the necessary intercourse between the victors and the vanquished. It was not till the reign of Henry the Third that this dialect had assumed a shape fit for the purposes of the poet; and even then it is most probable that English poetry, if any such existed, was abandoned to the peasants and menials; while all who aspired above the vulgar listened to

[1] Jamieson's Memoirs of the Life of Barbour, p. 6.

[2] Ibid. p. 8.

[3] Winton's Chronicle, book iii. chap. iii. v. 139, vol. i. p. 54. Ellis's Specimens of the Early English Poets, vol. i. p. 228.

[4] Introduction to the Romance of Sir Tristrem, by Sir Walter Scott, p. 12. Ibid. p. 57.

[5] Introduction to the Romance of Sir Tristrem, by Sir Walter Scott, pp. 52, 53.

the lais of Marie, the romances of Chrestien de Troyes, or the interesting fabliaux of the Anglo-Norman trouveurs. The only persons who ventured to use the native language of the country in literary compositions were certain monkish annalists, who usually think it necessary to inform us that they descended to so degrading a task out of pure charity, lowliness of spirit, and love to the 'lewed men,' meaning the lower classes, who could not understand the Latin of the cloister, or the Anglo-Norman of the court."

Whilst such was the case in England, the formation of the language spoken in the sister country took place under different circumstances; so that, instead of considering the language in which Thomas of Ercildoune and his successors have written as a daughter of the Anglo-Saxon, it would be more correct to regard it as an independent stream, derived from the great fountain of the ancient Gothic, but coming to us, in Scotland, through purer channels than those wherein it flowed into England. Into the great controversy regarding the origin of the Pictish people it would be entirely out of place to enter at present; although any examination hitherto made of the original authorities, upon both sides of a question which has been agitated with an asperity peculiarly inimical to the discovery of the truth, rather inclines me to consider them as a race of Gothic origin,—an opinion supported by the united testimony of Bede, Nennius, Gildas, and the Saxon Chronicle.[1] Every hypothesis which has been adopted to account for the introduction of the Saxon language into Scotland from England, by the gradual influx of Saxon and Norman nobles, by the multitude of English captives taken in war, or by the marriage of Malcolm Canmore with a Saxon princess, seems extremely unsatisfactory; and it appears a more tenable theory to suppose that in the great kingdom of Strathelyde,—which came at last to be wrested from the original British tribes by the Saxons, in the large district of the Lothians and of Berwickshire, which was entirely peopled by Saxons, and in the extensive dominions of the Picts, a race of people descended from the same Gothic stem,—there was formed, in the progress of centuries, a Gothic dialect, which we may call the Scoto-Saxon; similar to the Anglo-Saxon in its essential character, but from the circumstances under which its formation took place, more unmixed with any foreign words or idioms. It was this Scoto-Saxon language, called by Robert de Brunne "strange Inglis," or "quaint Inglis,"[2] which appears to have been spoken by the Scots from the beginning of the twelfth century, and continued the language of the court and of the people down to the time of Barbour and Winton. It was in this language that the wandering minstrels of those days composed their romantic legends of love or war; and that the higher bards, who, to use the words of the ancient chronicler above quoted, wrote for "pride and noblye," and to satisfy their thirst for fame, composed the romances which were then popular in Scotland, and came, through the medium of translations, into Latin and Norman-French, to be famous throughout Europe.[3] That the Gaelic was the language of the great body of the Celtic people, who at a remote period overspread the greatest part of Scotland, and that it was understood and spoken by Malcolm Canmore himself, is a fact resting on the most undoubted evidence; but it is equally certain that such is the radical difference in the character and construction of these two tongues, that they have continued, from the earliest period to the present day, totally distinct, refusing to blend or amalgamate with each other. In like manner, the Norman-French, although understood by the Scottish monarchs and their nobility, and frequently employed in their diplomatic correspondence, seems never, as in England, to

[1] Jamieson's Dissertation on the Origin of the Scottish Language, pp. 2, 4, 26, prefixed to his Dictionary.

[2] Introduction to Sir Tristrem, pp. 65, 66.

[3] Sir Walter Scott's Introduction to the Romance of Sir Tristrem, pp. 74, 75, 76.

have usurped the place of the ancient national dialect of the Scoto-Saxon; whilst the Latin, the language of science, of theology, of all civil and ecclesiastical contracts and legal proceedings, was principally understood by the monks and the clergy. It may be conjectured, therefore, on pretty strong grounds, that the mass of the people to the south of the Firth of Tay spoke the Scoto-Saxon, and that this "quaint Inglis," as it is called by Robert de Brunne, was a purer stream from the Gothic fountain than the English spoken or written at the same period in the sister country. Of this language very few specimens have reached our times in a genuine and uncorrupted state. The constant alterations which took place in early orthography, and in the gradual introduction of new idioms, render it impossible to quote any fragment as a correct specimen of the language of the period, if this relic is only preserved in a writer of a later age, and is not itself written at, or at least within, a very short time of its real date. Thus, we cannot say for certain that the little song or monody, which has already been quoted, composed on the death of Alexander the Third, as preserved by Winton, is exactly in its genuine state, as the earliest manuscript of Winton, now extant, could not have been written prior to 1420 or 1421;[1] and in the long period of nearly a century and a half a great change must have taken place in the language. The manuscript of Thomas of Ercildoune's poem is, on the contrary, of great antiquity, and has been pronounced by able antiquaries to belong to the middle of the fourteenth century;[2] but it appears to have been transcribed in England, and must, consequently, have undergone many changes from its original purity. It still, however, contains many idioms which are at this day used in Scotland, although they have long ceased to be English; and its language exhibits, perhaps, the nearest approach to the genuine Scoto-Saxon which is to be found prior to the time of Barbour and Winton. The description of Roland Ris, the father of the good Sir Tristrem, is as follows:—

> "He was gode and hende,
> Stalworth, wise, and wight;
> Into this londes ende
> Y wot non better knight:
> Trewer non to frende,
> And Rouland Ris he hight;
> To batayl gan he wende;
> Was wounded in that fight,
> Full felle:
> Blaunche Flower the bright
> The tale them herd she telle."[3]

The style of the poem is throughout exceedingly abrupt and elliptical; and there is a concentration in the narrative which, by crowding events into small room, produces an obscurity which renders it difficult to follow the story: but there are some fine touches of nature; and it is valuable for its pictures of ancient manners.

There is every reason to believe that many other romances, written in the ancient Scottish, or Scoto-Saxon, were composed at this period; and that their authors were in high estimation, encouraged by kingly patronage, and welcomed in the halls and castles of the feudal nobility. It unfortunately happened that the art of printing was not yet discovered; so that the few written copies of such "gests and romances," which must have thrown such striking lights upon the genius and manners of our ancestors, have long ago perished. The simple names of the authors, or "*makars*," with a brief and unsatisfying notice of the subjects of their composition, are all that remain. Amongst these shadows we find a venerable poet commemorated by Winton, in his Chronicle, under the name of "Hucheon of the Awle Ryall," or "Hugh of the Royal Court," whose great work was entitled the "Gest of Arthure." He appears, however, to have been a voluminous writer for those early days; as, in addition to "Arthure," he composed the "Geste of the Brute," the "Aventures of Sir

[1] M'Pherson's Preface to Winton's Chronicle, p. 31.

[2] Dr Irving's MS. History of Scottish Poetry, p. 27. See postea, p. 296.

[3] Sir Tristrem, p. 15.

Gawyn," and the "Pystyl of Swete Susan."[1] Of these works, the last, a short poem, founded on the story of "Susannah and the Elders," has reached our times. It is composed in a complicated alliterative stanza, in the use of which the bards of the "north countrée" are reputed to have been especially skilful; but it undoubtedly contains no passages which, in any degree, support the high character given of its author by Winton. "It becomes all men," says this historian, "to love Hucheon; who was cunning in literature, curious in his style, eloquent and subtle; and who clothed his composition in appropriate metre, so as always to raise delyte and pleasure."[2] If any reader, with the help of a glossary, will consent to labour through the "Pystyl of Swete Susan," he will probably be disposed to come to the conclusion, either that it is not the identical composition of the bard of the "Awle Ryall," or that his merits have been infinitely overrated by the partiality of Winton. His great historical romance, however, or "Gest Historical," was, we may presume, a superior composition. In it he treated of subjects which were dear to the feelings and imaginations of our ancestors: of the doughty deeds of Arthur; of his worship and prowess; his conquests and royal estate; his round table and twelve peers; and it was, probably, in listening to these tales of love and war that the ladies and knights of Winton's days experienced that "plesans and delyte" which we in vain look for in the only composition of his which has reached our days. It has been asserted by Chalmers that in Hucheon of the "Awle Ryall" we are to recognise Sir Hugh de Eglinton, whose death is lamented by Dunbar, in his pathetic "Lament" for the death of the Scottish poets who had preceded him; but the grounds on which the opinion is founded appear slight and unconvincing.[3]

[1] Winton's Chronicle, vol. i. p. 121.

[2] Ibid. p. 122.

[3] "I think there cannot be any doubt whether Sir Hugh de Eglynton were not Hucheon of the 'Awle Ryale.'" Letter of Mr Chalmers to Mr David Laing, and quoted in his Introduction to the Pystyl of Swete Susan. It has been acutely observed by Dr Irving, in the third chapter of a History of Scottish Poetry, not yet published, but which it is to be hoped he will not long withhold from the world, "that when the author of Gawan and Gologras introduces the name of Hugh, he does not exhibit it in the form of Hucheon, but that both he and Winton exhibit it in the form of Hew." I have great pleasure in acknowledging the polite and liberal feeling with which Dr Irving communicated to me the three first chapters of his manuscript, and the assistance I have derived, upon this and many other occasions, from his learning and research.

Besides these higher poets of established excellence and fixed habitation, there can be no doubt that Scotland, from an early period, produced multitudes of errant minstrels, who combined the characters of the bard and the musician; and wandering with their harp from castle to castle, sang to the assembled lords and dames those romantic ballads of love and war which formed the popular poetry of the day. It was impossible, indeed, that it should be otherwise. The Gothic tribes which at a very early period possessed themselves of the Lowlands; the Saxons and Northumbrians, who dwelt on the Border; the Scandinavians or Norwegians, who for several centuries maintained possession of the islands, and of Ross and Caithness; and the Normans, whose original love for romantic fiction was cherished by their residence in France, were all passionately addicted to poetry. They possessed a wild imagination, and a dark and gloomy mythology; they peopled the caves, the woods, the rivers, and the mountains with spirits, elves, giants, and dragons; and are we to wonder that the Scots, a nation in whose veins the blood of all those ancient races is mingled, should, at a remote period, have evinced an enthusiastic admiration for song and poetry; that the harper was to be found amongst the officers who composed the personal state of the sovereign; and that the country maintained a privileged race of wandering minstrels, who eagerly seized on the prevailing superstitions and romantic legends, and wove them, in rude but sometimes expressive versification, into their stories

and ballads; who were welcome guests at the gate of every feudal castle, and beloved by the great body of the people? We learn from a curious passage in Giraldus Cambrensis, which has been quoted by Sir Walter Scott, in his Introduction to Sir Tristrem, that the country situated beyond the Humber and the limits of York, in remote times undoubtedly a part of the kingdom of Scotland, acquired much fame for a peculiar mode of singing in parts, which Giraldus describes with great minuteness, and in terms of admiration. This ancient style appears to have been nothing more than a skilful combination of two voices, a bass and a treble, "una inferius submurmurante, altera vero superne demulcente pariter et delectante."[1]

In the reign of David the First, at the battle of the Standard, which was fought in 1138, minstrels, posture makers, and female dancers, accompanied the army;[2] and there can be little doubt that in Scotland, as in France and England, the profession of a minstrel combined the arts of music and recitation, with a proficiency in the lower accomplishments of dancing and tumbling.[3] In Giraldus Cambrensis there is a remarkable testimony to the excellency of the Scottish music, during the reign of Henry the Second, who was contemporary with William the Lion. "In Ireland," says he, "they use for their delight only two musical instruments, the harp and the tabor. In Scotland we find three—the harp, the tabor, and the bagpipe,[4] (choro.) In Wales they have also three—the harp, the pipe, and the horn. The Irish employ strings made of brass wire instead of the gut of animals. It is the opinion of many at this day that Scotland has not only equalled her mistress, Ireland, in musical skill, but has far excelled her, so that good judges are accustomed to consider that country as the fountain-head of the art."

It seems to have been a custom in Scotland, as old, at least, as Alexander the Third, that when the sovereign made his progress through the country, minstrels and singers received him on his entrance into the towns, and accompanied him when he took his departure; and we find Edward the First, in his triumphal journey through the land in 1296, paying certain sums of money as a remuneration for the same melodious reception. Whether Bruce was himself a proficient in music, the favourite accomplishment of many a knight in those days, is not known; but he undoubtedly kept his minstrels: and we have already seen that, upon the marriage of David his son to the Princess Joanna of England, there is an entry in the accounts of the Great Chamberlain which shews that the royal nuptials were cheered by Scottish and English minstrelsy;[5] and that the minstrels of the King of England, having accompanied their youthful mistress into her new dominions as far as Dunbar, were there dismissed, with a largesse of four pounds from the king. At the coronation of David the Second, the minstrels again make their appearance; and, from the higher sums which are then given, it may be conjectured that a more numerous band had attended upon this joyous occasion than at the nuptials at Berwick. They are presented with twenty pounds by the king, and receive ten from his consort.[6] There can be no doubt that, in many instances, these minstrels, besides being harpers or musicians, who sang and recited the popular poetry of the country, were themselves poets, who composed extemporaneous effusions; or, in more frequent instances, altered some well-

[1] Sir Tristrem, Introduction, p. 70.

[2] Ethelredus de Bello Standardi, Twysden, vol. i. p. 342.

[3] Bishop Percy's Essay on the Ancient Minstrels, p. 25, and Notes, p. 62, note F.

[4] Camdeni Anglica. Hiber. Normann. p. 739. In the first edition of this history I introduced cornu for choro in this sentence; but my friend Mr Dauney, in his learned and excellent dissertation, prefixed to his "Ancient Scottish Melodies," has completely proved that the word is choro, and means the bagpipe. Dissertation, pp. 122, 123.

[5] Chamberlains' Accounts, Compotus Camerarii Scotiæ, p. 96.

[6] Ibid. p. 228

known ditty of love or war to suit the taste, and, by a skilful change of name, to flatter the family pride of the feudal baron in whose hall they experienced a welcome. It is difficult, unless we admit the existence of some such system of poetic economy, to account for the perpetual recurrence of the same individual stanzas, or at least of the same expressions, in many of our oldest ballads, and the reappearance of the same tale, with only a slight change of incident, and alteration in the names of the actors. We know, from authentic evidence, that there were *gests* and historic ballads written upon the story of Wallace; and that, upon the occurrence of any great national event, or victory, the genius of the country broke into songs, which the Scottish maidens used to sing. A single stanza of a Scottish ballad, composed after the defeat of the English at Bannockburn, has been preserved in the St Alban's Chronicle. "For he," says the monkish author, speaking of Edward the Second, "was dyscomfited at Banocksborne; therefore the maydens made a song thereof in that countrée, of Kynge Edward, and in this manere they songe:—

"Maydens of Englonde, sore may ye morne,
For ye have lost your lemmans at Banocksborne,
With hevelogh:
What wenyth the kinge of Englonde
To have got Scotland,
With rombelogh."[1]

In Bower's additions to the Scotichronicon, written about 1441, he mentions, with a contempt which is ill concealed, that the vulgar crowd, in his own day, were much delighted with tragedies, comedies, ballads, and romances, founded on the story of Robin Hood and Little John, which the bards and minstrels used to sing, in preference to all others of the same kind of compositions.[2] These popular songs and ballads, of which we can merely trace the existence, were, in all probability, written by the minstrels and harpers, who not only crowded the castles of the great, but roamed over the country, and were welcome guests at every cottage door. Nor is it difficult to ascertain the cause why nearly every trace and relic of these ancient ballads has now perished. The clergy of those remote days were the only men who committed anything to writing; and it is certain that the clergy were the bitter enemies of the minstrels, whom they considered as satirical rivals and intruders, who carried off from the Church the money which might have been devoted to more pious and worthy uses. They talk of them as profligate, low-bred buffoons, who blow up their cheeks, and contort their persons, and play on horns, harps, trumpets, pipes, and Moorish flutes, for the pleasure of their lords, and who moreover flatter them by songs, and tales, and adulatory ballads, for which their masters are not ashamed to repay these ministers of the prince of darkness with large sums of gold and silver, and with rich embroidered robes.[3]

From this natural antipathy of the clergy to the singers and minstrels, it has unfortunately happened that many a monkish Latin rhyme, composed in the miserable taste of the age, has been preserved with affectionate care; whilst the historic tales and ballads of this early period of our history have been consigned to what was then deemed a just and merited oblivion. And yet a single ballad on the death of Wallace, or the glory of Bruce, preserved as it then fell from the lips of a Scottish minstrel or a Scottish maiden, were now worth half the proud volumes of those pedantic schoolmen.

It is extremely difficult to collect any authentic information upon the musical instruments, or the character

[1] St Alban's Chronicle, part vii. sig. r. 11, quoted in Dr Jamieson's Notes on Bruce, p. 457. Winton's Chronicle, vol. ii. p. 102, speaking of Wallace:—

"Of his gud dedis, and manhad
Great gestis I hard say ar made;
Bot sa mony I trow noucht
As he in til his dayis wroucht."

[2] Forduni Scotichro. a Goodal, vol. ii. p. 104.

[3] The proofs of this will be found in Ducange, voce Ministrelli. Rigordus, de rebus Gestis Philippi Agusti, ann. 1185. St August. tract. 100 in Joann. chap. vi. Compotus Hospitii Ducis Normanniæ, ann. 1348.

of the music, of this remote period.[1] The only specimens of the musical instruments of the age are to be found upon the rich stone carvings which ornament the pillars of the Gothic churches, and the tracery of the borders, windows, and gateways. Amongst these we meet with the figures of musicians, some of them so entire as to give us a pretty correct idea of the shape at least of the instrument they hold in their hands. The flute with six holes; the bagpipe with a single *drone;* the viol with four strings, and the sounding holes above the bridge; and the lute, or at least an instrument approaching it in its shape, with six strings, are all discernible in the carvings of Melrose Abbey, and some of them appear in the beautiful specimen of the florid Gothic to be seen in Roslin Chapel.[2] What was the particular style and character of the music performed by these instruments, or of the songs which they accompanied, it is now impossible to determine; and although the opinion of Ritson, that none of our present Scottish melodies can be traced upon anything like authentic evidence further back than the Restoration, appears somewhat too sweeping and positive, it is nevertheless true that, in the total want of authentic documents, it would be idle to hazard a conjecture upon the airs or melodies of Scotland at the remote period of which we now write. The church music, however, was in a different situation; and owing to the constant intercourse of the great body of our clergy with the continent, the same style of sacred music which had been introduced into the religious service of Italy, France, and England must have been imported into our own country. If we may believe Dempster, a writer of somewhat apocryphal authority, Simon Taylor, a Scottish Dominican friar, as early as the year 1230, became the great reformer of the church music of Scotland; and, by his inimitable compositions, brought this noble art to vie with the music of Rome itself.

In 1250, when the body of St Margaret was removed with much ecclesiastic pomp from the outer church, where she was originally interred, to the choir beside the high altar, the procession of priests and abbots, who carried the precious load upon their shoulders, moved along to the sounds of the organ, and the melodious songs of the choir singing in parts.[3] It has been asserted, indeed, by my late venerable grandfather, in his Dissertation on Scottish Music, that we owe the first introduction of organs and of a choral service into the cathedrals and abbeys of Scotland to James the First; but this can only be understood as applicable to the improved organs of the days of James the Fourth,[4] as we see there is certain evidence of the instrument, in its first rude state, existing in Scotland at a much earlier period. It would have been singular, indeed, if the same invention, which is found in England as early as the reign of Edgar, and in Ireland during the ninth century, should not have made its way into Scotland till the reign of James the First.[5] Accordingly, in Fordun's account of the nuptials of Alexander the Third, there is a minute description of a masque, which proves that in those days the Scottish musical instruments were not only of various sorts, but that some of those instruments were similar to the *organs* used in the performance of the tragedies or mysteries which were then frequently enacted by the clergy for the amusement and edification of the people.[6]

[1] Since the publication of the first edition of this work, Mr Dauney's Introductory Dissertation to his "Ancient Scottish Melodies" has communicated a body of interesting and authentic information upon these subjects.

[2] Statistical Account, vol. ix. p. 90. "On the south-east of this church are a great many musicians, admirably cut, with much pleasantness and gaiety in their countenances, accompanied with their various instruments."—Dalzel's Desultory Reflections on the State of Ancient Scotland, p. 56.

[3] Fordun a Goodal, vol. ii. p. 83.

[4] Dissertation on Scottish Music, by William Tytler, Esq. of Woodhouselee. Antiquarian Transactions, vol. i. p. 482. "Organa *qualia nunc sunt*," is Boece's expression.

[5] M'Pherson's Annals of Commerce, vol. i. p. 252.

[6] Fordun a Goodal, vol. ii. p. 128.

The wise partiality of our early kings to the manners and customs of England; the enthusiasm which David the First evinced for the erection of churches and monasteries; and the introduction of all the magnificence and solemnity of the Catholic worship amongst his rude and barbarous subjects,—entitles us to conjecture, on strong grounds of probability, that the church music of Scotland, during the reign of this monarch, would be a pretty close imitation of that which was then to be found in the sister country. Ethelred, an author of high authority, and a friend and contemporary of David the First, gives us the following minute and curious account of the church music in his own days: —"Since all types and figures are now ceased, why so many organs and cymbals in our churches? Why, I say, that terrible blowing of the bellows, which rather imitates the frightsomeness of thunder than the sweet harmony of the voice? For what end is this contraction and dilatation of the voice? One restrains his breath, another breaks his breath, and a third unaccountably dilates his voice; and sometimes, I am ashamed to say, they fall a-quavering like the neighing of horses. Next they lay down their manly vigour, and with their voices endeavour to imitate the softness of women. Then by an artificial circumvolution, they have a variety of outrunnings. Sometimes you shall see them with open mouths and their breath restrained, as if they were expiring and not singing, and by a ridiculous interruption of their breath they appear as if they were altogether silent. At other times they look like persons in the agonies of death; then, with a variety of gestures, they personate comedians; their lips are contracted, their eyes roll, their shoulders are shaken upwards and downwards, their fingers move and dance to every note. And this ridiculous behaviour is called religion; and when these things are most frequently done, then God is said to be most honourably worshipped."[1] From this state of complicated perfection to which the religious music of England had arrived at so early a period, we may be permitted to attribute a considerable knowledge, if not an equal excellence, in the same science to our own country; for we know that the Scottish clergy, in the cultivation of the arts which added solemnity and magnificence to their system of religious worship, were, in few respects, behind their brethren of the South; yet this is conjectural, and not founded upon accurate historic proof.

The churchmen of those remote times did not only monopolise all the learning which then existed, they were the great masters in the necessary and ornamental arts; not only the historians and the poets, but the painters, the sculptors, the mechanics, and even the jewellers, goldsmiths, and lapidaries of the times. From their proficiency in mathematical and mechanical philosophy, they were in an especial manner the architects of the age; and the royal and baronial castles, with the cathedrals, monasteries, and conventual houses throughout Scotland, were principally the work of ecclesiastics.

Into the numerous and elegant arts then practised by the clergy it is impossible to enter; but no apology will be required for submitting a few remarks upon the last-mentioned subject, the domestic and the religious architecture of the times, as the question, In what sort of houses or fortalices were our ancestors accustomed to live? is not one of the least interesting which presents itself in an inquiry into the ancient condition of the country.

At a remote era the fortifications in the Lowland counties of Scotland, inhabited by tribes of Gothic origin, were, in all probability, the same as the castles called Anglo-Saxon in England. Their construction partook of the rude simplicity of the times in which they were built. They consisted of an inner keep or castle, surrounded by a strong wall, beyond

[1] Ælred, Speculum Caritatis, book ii. chap. xx. Duaci, 1631, 4to, quoted in Pinkerton's Introductory Essay to the Maitland Poems, vol. i. p. 67.

which was a ditch or deep fosse, sometimes twenty or thirty yards in breadth; and beyond this again was raised an outer *vallum* or rampart, of no great height, and apparently composed alone of earth.[1] They were generally placed on the brow of a steep hill, on a neck of land running into a river, or some such situation of natural strength; and as the art of war and the attack of fortified places had made then but little progress, the security they conferred was equal to the exigencies of the times.

In the earliest age of Saxon architecture, or at times when a temporary fortification was speedily required, it was common to build the walls round the castles of strong wooden beams. We learn, for instance, from the Scala Chronicle, that "Ida caused the castle of Bamborow to be walled with stone, that afore was but inclosed with woode;"[2] and the castle of Old Bale, in Yorkshire, is described by Camden as being at first fortified with thick planks of wood eighteen feet in length, and afterwards encircled with a wall of stone. These stone walls were constructed in a singular manner. They were faced, both without and within, with large square blocks, and the space between the facings was filled with a deposit of small rough flint stones or pebbles, mixed up with a strong cement of liquid quick-lime.[3]

[1] Strutt's Manners and Customs of the Inhabitants of England, vol. i. p. 25. "The groundwork of another of these Saxon castles is yet remaining at Witham, being between the church and the town; the form and size of it are yet very visible. This castle was likewise built by Edward the Elder, who resided at the castle of Maldon while this was completing, which was about the year 912 or 914. The middle circle contains the keep or castle, and is about 160 yards in diameter, and 486 yards round; the ditch is, in its present state, 260 feet in breadth, and beyond the ditch is the external vallum, which is yet in a very perfect condition, full four feet high, and 18 or 20 feet in breadth, the circumference of the whole being about 1000 yards."

[2] Leland's Collectanea, vol. i. p. 514.

[3] Will. Malmesbury says, speaking of King Athelstan,—"Urbem igitur illam (Exeter) quam contaminatæ gentis repurgio defæcaverat, turribus munivit, muro ex quadratis lapidibus cinxit." Willelmi Malmesburiensis Monachi. Gesta Regum Anglorum, vol. i. p. 214, edited, for the English Historical Society, and enriched with valuable notes, by my learned friend, Mr Hardy, Principal Keeper of the Records in the Tower.

In the progress of years the Saxons made great improvement in the art of building; and, in point of strength and security, their castles were capable of sustaining a creditable siege; but the apartments were low, illlighted, and gloomy; and it is not till some time after the Conquest that we find the Norman style of architecture introduced, and a more lofty and magnificent species of structures beginning to arise in England, and to make their way, with the arts and the manners of this great people, into Scotland. Owing, however, to the remote era in which the Scoto-Norman castles were built, time, and, in some instances, the tasteless and relentless hand of man have, in our own country, committed great ravages. The necessary policy, too, of Bruce, who dismantled and destroyed most of the castles which he took has been fatal to the future researches of the antiquary and the historian; and few fragments remain which can, on satisfactory grounds, be pronounced older than the reign of this monarch. Yet the records of the Chamberlains' Accounts, and the incidental notices of our early historians, furnish us with ample evidence that, in the building of castles and fortalices, and in the erection of those magnificent churches of which little but the ruins are now seen, Scotland had made great progress during the thirteenth century.

We have already seen the effectual precautions against attack which were taken by Alexander the Third, when it became certain that Haco, the King of Norway, had determined to invade his kingdom. The castles on the coast of Scotland were carefully inspected; and from the details regarding their repairs, which are to be found in the few extracts that remain of the Chamberlains' Accounts under this monarch, some interesting information may be gathered.

The northern coast of Scotland was defended by a series or chain of strong castles of stone, fortified by towers

and drawbridges, and containing a dungeon, provided with iron fetters for the prisoners, accommodation for the stores and warlike engines, guard-rooms for the garrison, and a great hall or state apartment where the baron or castellan resided and entertained his vassals. Their situation was generally chosen with great skill. If on the coast, advantage was taken of the vicinity of the sea: if in the interior, of some river or hill, or insulated rock, which rendered the approach on one side arduous or impossible, while care was taken to fortify the remaining sides by a deep fosse, and strong walls, with towers at each angle. Caerlaverock, a strong castle of the Maxwells, is thus described by an eye-witness in the year 1300, when it was besieged and taken by Edward the First:—"Its shape was like that of a shield, for it had only three sides all round, with a tower on each angle; but one of the towers was a double one, so high, so long, and so large, that under it was the gate with the drawbridge, well made and strong, and a sufficiency of other defences. It had good walls, and good ditches filled to the edge with water; and I believe there never was seen a castle more beautifully situated: for at once could be seen the Irish sea towards the west, and to the north a fine country, surrounded by an arm of the sea; so that no living man could approach it on two sides without putting himself in danger of the sea. Towards the south the attack was not easy, because there were numerous dangerous defiles of wood and marshes, besides ditches where the sea is on each side, and where the river makes a reach round, so that it was necessary for the host to approach it towards the east where the hill slopes."[1]

This minute description of Caerlaverock may, with slight alterations, introduced by the nature of the ground, or suggested by the fancy and ingenuity of the architect, be applied to most of the Scottish castles of the period. Two principles were to be followed out in their construction: they were to be fitted, in the first place, for strength and resistance; whilst, according to the rank of the feudal baron, provision was to be made for his being comfortably or splendidly accommodated; and although the first requisite was invariably made to regulate and control the second, yet it is impossible not to admire the skill and ingenuity with which the genius of those ancient architects contrived to combine security and comfort. The earliest specimens of the strong Anglo-Norman castle present us with a single square tower; and it is evident that the lowest storey of the castle, being most exposed to attack, was required to be formed in the strongest manner. We find, accordingly, that the walls in this part of the building, which formed the chambers where the stores were kept, and the dungeons for the prisoners, were invariably the strongest and thickest part of the building. These lower apartments were not lighted by windows, but by small loopholes in the solid stone, so ingeniously constructed, that it was nearly impossible from without to discharge into them any arrow or missile, so as to injure the soldiers within. The wall itself, which was here about twelve feet thick, was built in the same way as those of the Saxon castles, being cased within and without with strong large square blocks of hewn stone, and filled up in the middle with flints embedded in fluid mortar; and we know that the same mode of building was employed in both countries, not only by an examination of the Scoto-Norman castles which remain, but by the evidence of the entries in the Chamberlain Accounts.[2] The entrance or principal door leading into the castle was not in the lower storey;

[1] Siege of Caerlaverock. Edited, with notes, by Sir Harris Nicolas, pp. 61, 62.

[2] Thus in the Chamberlain Accounts, Temp. Alex. III. p. 64. "Item in conductione cementariorum, et hominum fragentium lapides fabrorum, et aliorum operariorum. In pastu et ferrura Equorum cariancium lapides, in calcem et in aliis minutis expensis factis circa construccionem Castri de Strivelin." 94 lib. 17 d. See Statist. Account, vol. xviii. p. 417; Description of Kildrummie Castle, and of Dundargue, vol. xii. p. 578.

but, for the purpose of security, generally placed pretty far up the wall, and communicating by a drawbridge,[1] with a flight of steps or staircase of strong masonry. The door itself was not only secured by a strong gate of thick oak, with iron knobs, but by a portcullis or grating, composed sometimes wholly of iron, sometimes of timber fenced with iron, furnished at the bottom with sharp spikes, and so constructed as to slide up and down in a groove of solid stone work, made within the body of the wall, in the same way as we see a sash window slide in its frame.[2] Within the doorway, and built in the thickness of the wall, was generally a stone seat, where the warder stationed himself, whose duty it was to keep castle guard, and who could at pleasure pull up the drawbridge and lower the portcullis when he suspected an attack, or wished to have a safe parley with a suspicious guest. On the second floor were the apartments where the soldiers of the garrison had their residence and lodging, and which, as it was much exposed to attack, had generally no windows in the front wall. The rooms were lighted by loopholes in the three remaining sides, which, surrounded by the strong wall enclosing the *ballium* or outer court of the castle, were more secure from the missiles of the enemy. The third floor contained the apartments of state, the hall of the castle where the baron lodged his friends and feasted his vassals. It was lighted by Gothic windows, highly ornamented, and was commonly hung with arras or rich tapestry, and adorned by a roof of carved oak. At each end of the apartment was a large recess in the wall, forming an arched fireplace, highly ornamented with carving, and frequently formed so as to have a stone seat all round; and in the middle of the hall was an oaken table, extending nearly the whole length of the apartment, and supported on beams or pillars of oak.

One of the finest specimens of the ancient feudal hall is still to be seen at Darnaway, once the seat of the great Randolph. Its roof is supported by diagonal rafters of massive oak; its height must originally have been above thirty feet, and its remaining proportions are eighty-nine feet in length, by thirty-five in breadth. At one end is a music gallery; and in the middle of this magnificent apartment still stands the baron's board or table, supported on six pillars of oak, curiously bordered and indented with Gothic carving. His ancient oaken chair, in form not unlike the coronation chair at Westminster, and carved with his arms and the insignia of his office,[3] is still seen; and although this description of Randolph's hall is not to be understood as applicable to the state apartment of all, or even of most, of our feudal castles, yet, making allowance for the difference in the proportions, the plan and disposition of the room is the same in all, and was singularly well adapted for that style of rude and abundant hospitality, when every man, who followed the banner of his lord, found a seat at his table, and every soldier who owned a jack and a spear might have a place at his hearth. The uppermost storey in the castle was composed of rooms of smaller dimensions, which were lighted by windows of considerable size; and in this highest floor, as from the great height there were little precautions to be taken against attack, the architect was at liberty to indulge his fancy in ornamenting the windows and the battlements; so that it is not unfrequent, in the most ancient feudal castles, to find the windows in the floor next the roof of the largest dimensions, and with the richest carving of any in the building. It was in these highest rooms that, during a siege, the catapults, balistæ, war-wolfs, and other instruments of annoyance and destruction were placed; and there was a communication between this highest storey and the roof,

[1] See the Description of the Ancient Castle of Dunaverty in Argyle, in which Bruce took refuge. Statistical Account, vol. iii. p. 365.

[2] Mr King's Observations on Ancient Castles, published in the Archæologia, vol. iv. p. 364, containing an acute and ingenious examination of this interesting subject.

[3] Statistical Account, vol. xx. p. 224.

through which they could be drawn up upon the leads of the castle as the exigencies of the siege required.

Such was the general construction and disposition of the feudal castles of those remote times; and any one fond of antiquities, and interested in the history of the country, may, in the course of a short tour in Scotland, convince himself of the truth of the description. Some, of course, were of larger dimensions, and covered a much greater extent of ground than others; and according to the required strength and importance of the station, and the nature of the ground, to many was added an outer or base court, surrounded by walls and flanking towers. Besides this, the castle itself was commonly encircled by a strong outer wall, communicating with a tower, the interior of which formed a kind of vestibule to the principal entrance of the castle; whilst, beyond the wall, was a broad breastwork or barbican, and a moat, which encircled the whole building. In 1325, Bruce had commanded the castle of Tarbet to be inspected and repaired; and a minute account of the expense laid out in increasing the breadth of the walls, building a new tower, and fortifying the approach by a fosse, is to be found in the Chamberlains' Accounts. The repairs appear to have occupied seven months; and, during this period, there was a consumption of seven hundred and sixty chalders of burnt lime, the expense of the whole work being four hundred and thirty pounds ten shillings and fivepence.[1]

Besides these stone buildings, adapted principally for strength and defence, it was common to construct halls and other apartments of wood within the outer court, and even to build castles and fortifications entirely of that perishable material. In the hall, the wooden framework, composed of strong beams of oak, was covered with a planking of fir, and this again laid over with plaster, which was adorned with painting and gilding,[2] whilst the large oak pillars supporting the building rested in an embedment of strong masonwork. When the Earl of Athole was assassinated by the Bissets at the tournament at Haddington, in the early part of the reign of Alexander the Third, the *hospitium* in which he slept and was murdered seems to have been a wooden building; and after the deed, the perpetrators burnt it, and a manor and palace connected with it, to the ground.[3]

There is a curious passage quoted by Camden, which, in describing the siege of Bedford castle during the reign of Henry the Third, throws considerable light on the disposition of these ancient buildings; and as the account is written by an eye-witness of the siege, the information is valuable and authentic:—"On the east side was one petrary and two mangonells daily playing upon the tower, and on the west were two mangonells battering the old tower; as also one on the south, and another on the north part, which beat down two passages through the walls that were next them. Besides these, there were two machines constructed of wood so as to be higher than the castle, and erected on purpose for the slingers and watchmen; they had also several machines where the slingers and cross-bowmen lay in wait; and another machine called cattus, under which the diggers that were employed to undermine the castle came in and went out. The castle was carried by four assaults. In the first was taken the barbican; in the second they got full possession of the outer ballia; at the third attack the wall by the old tower was thrown down by the miners,

[1] The items of the accounts will be found printed in the Illustrations. Chamberlains' Accounts, Compot. Const. de Tarbart, pp. 2, 4.

[2] Chamberlains' Accounts, p. 6. "In servicio duorum carpentariorum arca levacionem Aule in Castro . . . In servicio portancium et cariancium lutum et sabulonem pro parietibus Aule, et servicio diversorum operariorum circa easdem, et servicio tauberiorum et coopiencium, cum servicio duorum cimentarionum subponencium postes Aule cum petris et calce 15sh. 8d." Ibid. p. 38. "Item in VI. petris crete empt. pro pictura nova Cameræ apud Cardross." See also Strutt's Manners and Customs of the People of England, vol. ii. p. 95.

[3] Fordun a Goodal, vol. ii. p. 72.

from which, by a vigorous attack, they possessed themselves of the inner ballia through a breach. At the fourth assault, the miners set fire to the chief tower on the keep, so that the smoke burst out, and the tower itself was cloven to that degree as to shew visibly some broad rents, whereupon the enemy surrendered."[1]

In the various sieges which occurred in Scotland during the war of liberty, the same mode of attack was invariably adopted, by mining and battering the walls, and wheeling up to them immense covered machines, divided into different stages, from which the archers and cross-bowmen attacked the soldiers on the battlements of the castle.

With regard to the houses within burgh, which were inhabited by the wealthy merchants and artisans, and to the granges and cottages which formed the residence of the free farmers, the liberi firmarii, and of the unfortunate class of bondmen or villeyns, they appear to have been invariably built of wood. In the year 1243, eight of the richest burghs in Scotland were consumed by fire, and reduced to ashes;[2] and in the Chamberlains' Accounts we constantly meet, amongst the items of royal expenditure, with the sums paid to the carpenter, and the moneys laid out in the purchase of wood, for the construction of new granges, sheds, and cottages, upon the various manors possessed by the king. In 1228, Thomas de Thirlestane, one of those Lowland barons who had made his way into Moray, was attacked and slain in his stronghold by Gillescop, a Celtic chief, who afterwards destroyed several wooden castles in the same country, and consumed by fire a great part of Inverness;[3] and we know that the practice of building the houses within burgh of wood continued to a late period, both in England and Scotland. We generally connect the ideas of poverty, privation, and discomfort with a mansion constructed of such a material; but the idea is a modern error. At this day the mansion which Bernadotte occupied as his palace when he was crowned at Drontheim, a building of noble proportions, and containing splendid apartments, is wholly built of wood, like all the houses in Norway; and from the opulence of the Scottish burghers and merchants, during the reigns of Alexander the Third and David the Second, there seems good reason to believe that their houses were not destitute either of the comforts, or what were then termed the elegancies of life.

I come now to say a few words upon the third, and by far the noblest class of buildings which were to be seen in Scotland during this remote period—the monasteries, cathedrals, and religious houses. Few who have seen them will not confess that, in the grandeur of their plan, and the extraordinary skill and genius shewn in their execution, they are entitled to the highest praise; and if we read the description given in a monastic chronicle in the British Museum, of the earliest church at Glastonbury,[4] composed of wooden beams and twisted rods, and turn from this to the cathedral of St Magnus in Orkney, to the noble pile at Dunfermline, to the more light and beautiful remains of Melrose Abbey, or to the still more imposing examples of ecclesiastical architecture in England,—the strength of original genius in the creation of a new order of architecture, and the progress of mechanical knowledge in mastering the complicated details of its execution, are very remarkable.

There cannot be a doubt that we owe the perfection of this noble style to the monks; and although the exact era of its first appearance, either in England or in our own country, is difficult to be ascertained with precision, yet there are some valuable and interesting notices in our early historians, which make it probable that our first masters in the art of building churches in stone were the Italians.

[1] Camden, in Bedfordshire, p. 287, quoted in Strutt's Manners and Customs, vol. i. pp. 94, 95.

[2] Fordun a Goodal, vol. ii. p. 75.

[3] Ibid. pp. 57, 58.

[4] Cotton MS. Tib. A. V. Bede, Hist. Eccles. Gentis Anglorum, p. 169.

It may have happened that some of those master-minds which appear in the darkest times, when they had once acquired a degree of skill in the management of their materials, struck out the idea of imitating in stone the wooden edifices of the period; and when working from models of twisted willow-rods, the pliable material of which the walls and ornaments of our ancient religious houses were constructed,[1] the ideas of the arch, the pillars, the groined roof, and the tracery of the windows, began gradually to develop themselves in a manner shewn by an able and acute writer[2] to be perfectly natural and intelligible. Indeed, when the idea was once seized, and it was found that the knowledge of working in stone, and of the mechanical powers which the age possessed, was sufficient to reduce it to practice, we can easily conceive that its future progress towards perfection may have been tolerably easy and rapid.

The infinity of beautiful Gothic forms which are capable of being wrought, and which almost necessarily suggest themselves to an artist working in willow, and the admirable skill in carving and imitating in stone which was acquired by the monkish artists at an early period, produced an action and reaction on each other; and the same writer already mentioned has shewn, by a careful analysis of every portion of a Gothic church, that there is not a single ornament in its structure and composition which does not serve to corroborate this idea. As to our earliest Norman builders having been instructed by the Italians, there is historical evidence. In the year 1174, the cathedral church at Canterbury was destroyed by fire, and in a description by Eadmer, a contemporary writer, it is stated that this ancient edifice was built by the assistance of Roman artists, after the model of the church of St Peter's at Rome.[3]

[1] Simeon Dunelm. p. 27.

[2] Sir James Hall's Essay on the Origin, History, and Principles of Gothic Architecture.

[3] Chronica Gervasii, Pars Prima, de Combustione et Reparatione Durobornenis Ecclesiæ, 1290. Twysden, vol. ii.

That the most ancient churches in Britain were constructed of pillars and a framework of oak, covered with reeds or twisted rods, we know from authentic evidence; and it is asserted by Gervas, in his account of the rebuilding of the church of Canterbury, after its destruction by fire, that, whereas in the ancient structure the roof had been composed of wood, and decorated with exquisite painting, in the new church it was constructed of an arch, built of stone, and light tufle-work.[4] Nay, even the name of the adventurous artist who first seems to have conceived the bold idea of working the ribbed and vaulted ceiling in stone, in the same way in which it had formerly been executed in wood, has been preserved to us: it was William of Sens, a French artist. He invented also, as we learn from the monkish historian who was an eye-witness of his labours, ingenious machines for the loading and unloading the ships which brought the stones from foreign parts, in all probability from Normandy, as well as for raising aloft the immense weights of lime and of stone which were required in the building; he furnished the stone-cutters with working plans, or models, which guided them in their nice and difficult operations; and he began to form the ribbed arches and vaulted panels upon a framework of timber, to which was attached the scaffolding where the masons stood. As the building proceeded, this scaffolding unfortunately gave way, and the adventurous artist was incurably maimed. But he had struck out the idea; and it was more successfully carried into execution by an English architect who succeeded him.[5] It is the opinion of the acute writer who has pointed out this first and most important step in the progress of our ecclesiastical architecture, that the idea of ornamenting the great pillars with groups of smaller columns surrounding them, was introduced at the same period, and by the same artist.[6]

[4] Gervasii Chronica, p. 1298.

[5] See Archæologia, vol. ix. p. 115. Governor Pownall on Gothic Architecture.

[6] Ibid. p. 116.

The art of executing large and magnificent buildings in timber framework was carried to high perfection in the northern countries of Europe during the tenth, eleventh, and twelfth centuries. It had made great progress in England, and was there known and practised in the building of churches, under the name of the Teutonic style. Owing, however, to the perishable nature of the materials, and to accidents by fire, these churches were frequently either destroyed, or reduced to a state of extreme decay; so that the ruinous state of the ecclesiastical edifices in the northern parts of Europe became a serious subject of inquiry at Rome about the commencement of the thirteenth century; and measures were taken to obviate the grievance. These measures were of a singular nature. The Pope created several corporations of Roman and Italian architects and artisans, with high and exclusive privileges; especially with a power of settling the rates and prices of their labour by their own authority, and without being controlled by the municipal laws of the country where they worked. To the various northern countries where the churches had fallen into a state of decay, were these artists deputed; and, as the first appearances of the Gothic architecture in Europe was nearly coincident with this mission of Roman artists, and, as has already been observed, the new style of imitating the arched framework of wood by ribbed arches of stone was known by the name of the Roman style, there arises a presumption that we owe this magnificent style of architecture to these travelling corporations of artists, who in consequence of the exclusive privileges which they enjoyed assumed to themselves the name of Freemasons, and under this title became famous throughout Europe.[1] These same corporations, from their first origin, possessed the power of taking apprentices, and admitting into their body such masons as they approved of in the countries where their works were carried on; so that, although the style may have originated amongst Italian artists, it is quite possible it may have been brought to perfection by other masters, who were natives of the different countries to which these Roman workmen were sent; and this will account for the fact that the church of Canterbury, in which the ribbed arch of stone is supposed to have been introduced for the first time into England, was originally the work of a Norman, and afterwards completed by an English architect.

In speaking of these corporations of architects of the Middle Ages, Sir Christopher Wren has given, in his Parentalia, the following account of their constitution:—"The Italians, with some Greek refugees, and with them French, Germans, and Flemings, joined into a fraternity of architects, procuring Papal bulls for their encouragement, and particular privileges: they styled themselves Freemasons, and ranged from one nation to another as they found churches to be built; for very many, in those ages, were everywhere in building, through piety or emulation. Their government was regular; and where they fixed near the building in hand, they made a camp of huts. A surveyor governed in chief; every tenth man was called a warden, and overlooked each nine; and the gentlemen of the neighbourhood, either out of charity, or commutation of penance, gave the materials and the carriages. Those," adds Sir Christopher, "who have seen the accounts, in records, of the charge of the fabrics of some of our cathedrals, near four hundred years old, cannot but have a great esteem for their economy, and admire how soon they erected such lofty structures."[2]

This new and noble style of ecclesiastical architecture found its way into Scotland about the beginning of the twelfth century; and, fostered by the increasing wealth of the Church, and by the devotion and munificence of

[1] Sir James Hall's Essay on Gothic Architecture, pp. 109, 114.

[2] Parentalia, pp. 306, 307. I have in vain looked for the original authorities upon which Sir Christopher Wren and Governor Pownall have founded this description of the travelling corporations of Roman architects.

our early monarchs, soon reached a pitch of excellence not far inferior to that which it had attained in England and in France. Besides fourteen bishops' sees, to most of which was attached a Gothic cathedral and palace, there existed at the time of the Reformation a hundred and seventy-eight religious houses, consisting of abbacies, priories, convents, and monasteries, most of which were richly endowed, situated in the midst of noble woods, surrounded by spacious gardens, parks, and orchards; and exhibiting, in the style of their architecture, specimens of the progressive improvement of the art, from the simple and massy Saxon to the most florid Gothic. It is subject of deep regret that some of the strong-minded and strong-handed spirits, who afterwards acted a principal part in the Reformation, adopted the erroneous idea that these noble edifices were inconsistent with the purity of the worship which they professed; and that they permitted, or, as some authors have asserted, encouraged the populace to destroy them.

SECTION VI.

SPORTS AND AMUSEMENTS.

In this inquiry, where an attempt has been made to give something like a civil history of the country, the sports and amusements of our ancestors form a subject of interesting research; although here, as on almost all other similar points, we have to lament the extreme scarcity of authentic materials. The chivalrous amusements of Scotland appear to have been the same as in the other feudal countries of Europe. Hunting and hawking, the tourney or play at arms, the reading of romances, the game of chess, masques and feasts, minstrelsy and juggler's tricks, with the licensed wit of the fool, filled up the intervals of leisure which were spared from public or private war.

With regard to hunting, the immense forests with which, as we have already seen, our country was covered during this period gave every facility for the cultivation of this noble pastime; and there is ample evidence that at an early period the chase formed one of the principal recreations of the kings and the barons of Scotland. David the First recounted to Ethelred, abbot of Rievaux, an anecdote regarding Malcolm Canmore, his father, which illustrates this in a minute and striking manner. Malcolm had received private information that a plot against his life was laid by one of his courtiers in whom he placed confidence. The king took no notice of the discovery, but calmly awaited the arrival of the traitor with his vassals and followers at court; and when they came, gave orders for his huntsmen and hounds to prepare for the chase, and be waiting for him on the first dawn of the morning. "And now," says Ethelred, "when Aurora had driven away the night, King Malcolm assembled his chief officers and nobles, with whom he proceeded to take the pastime of the chase in a green plain which was thickly surrounded by a wood. In the middle of this forest was a gentle eminence profusely covered with wild flowers, in which the hunters after the fatigues of the chase were accustomed to repose and solace themselves. Upon this eminence the king stood; and according to that law or custom of the chase which the vulgar call the *trysta*, having allotted certain stations to the different nobles and their dogs in such a manner that the game should meet death wherever it attempted to make its escape, he dismissed them, but requested the traitor to remain alone with him, whilst the rest departed. When this was done, the king took him aside to a more remote part of the wood, and drawing his sword, informed him that he knew well the whole of his treachery. 'We are alone,' said he, 'and on an equal footing, as becomes brave men; both are armed, both are mounted; neither of us can receive assistance. You have sought my life: take it if you are able.'"[1]

[1] Ethelredus de Genealogia Regum Anglorum, p. 367. Inter X Scriptores Twysden, vol. i.

It is hardly necessary to add, that this heroic conduct of the king was followed by the immediate contrition and pardon of his heart-struck vassal.

The use of the term *trysta* in this passage enables us to throw some additional light upon the ancient customs of the chase in Scotland. The law of trysta, which Ethelred here alludes to, was one by which the king's vassals, when he took the pastime of the chase, were bound to attend the royal muster at the ground appointed, with a certain number of hounds; and the phrase yet used in Scotland, to "keep tryst," seems to be derived from this ancient practice in woodcraft.[1] In the Highlands at this day, the mode of hunting by what is called a *tenkle* is very similar to the trysta held upon this occasion by Malcolm Canmore. David the First appears to have been no less fond of hunting than his father Malcolm. Indeed, we may believe that his intimate connexion with England, previous to his coming to the throne, must have given him an additional love for an amusement which the Normans then followed with an enthusiasm which transformed it from a recreation into a science. Accordingly, when Robert de Bruce, previous to the great battle of the Standard, in which David was so cruelly defeated, employed his eloquence to persuade the king, his old friend and brother-in-arms, to desist from his unjust invasion of England, he not only mentions the mutual perils and labours which they had shared, but especially alludes to the delight which they had experienced in the chase, and the pleasures of hawking and hunting;[2] and in that beautiful and touching eulogium which Ethelred has left us of the same monarch, who was his friend and patron, we find this testimony alike to his humanity and his love of the chase :— "Often with these eyes have I seen him draw back his foot when it was already in the stirrup, and he was just mounting to follow the diversion of the chase, should the voice of any poor supplicant be heard petitioning for an audience; the horse was left, the amusement for that day given up, and the king would return into his palace."[3]

Whether William the Lion, or Alexander the Second, the immediate successors of David the First, were much addicted to this healthy and heart-stirring exercise, we have no ground to determine; but Alexander the Third certainly kept a falconer, and the sums of money expended in the support of his hawks and dogs appear in those valuable fragments of the Chamberlains' Accounts of this early reign, which have been already so often quoted. In 1263, this monarch enjoyed the sport of hawking at his palace of Forfar, where, along with his queen and nobility, he held his court for twenty-nine weeks; and the expenses of the king's horses, of his falcons, and even of a bitch with seven puppies, are minutely recorded.[4] Besides the grain consumed by these winged and four-footed favourites, the king had to pay the sum of eight pounds twelve shillings and sixpence to his falconer, William de Hamyll; and that of four pounds seven shillings to the grooms who kept his horses.[5]

It appears to have been the custom of our monarchs to remove their court at different seasons to the various palaces, estates, or manors, which they possessed in private property; and on such occasions, as well as when the

[1] Ducange, voce Trista, who quotes Coke, part iv. Institut. p. 306. In a charter of Edward III., Monast. Anglican. vol. ii. p. 827, we find, "Et sont quieti de Henedpenny, Huckstall, et Tristis."

[2] Ethelredus de Bello Standardi, p. 345.

[3] Fordun a Hearne, vol. iv. p. 904.

[4] Compotum E. de Montealto Vicecomitis de Forfar, pp. 12, 13. "Redditus farine ordei de illo anno de Forfar et glammes, ix. celd. v boll. farine ordei. Expens. in servicio regis iii celd. ii bol. et i firthelota. Item in servicio regine novem boll et dimidium. Item in expensis septem catulorum et eorum matris prehendinancium etc. iiii celd. x lib. . . Item in expensis Willielmi de Hamyll prehendinantis apud Forfar cum falconibus dni regis per xxix septimanas et duos dies anno 1263, viii C. et dimidium celdre, et tres partes unius boll. Item in expensis Equorum dni regis prehendinancium apud Forfar usque ad diem hujus computi xiiii C. et vi bol. prebende." Ibid. p. 38, we find the four falconers of Dunipace.

[5] Ibid. pp. 13, 14.

exigencies of the state required the personal presence of the sovereign in any part of his dominions, the hounds of the royal household formed part of the equipage which accompanied him.[1] About the same period, the preservation of the game; the enclosing the parks or chases round the royal castles by strong wooden pales; the feeding the does during the winter; the employment of park-keepers, whose business was to guard the forest from waste or intrusion; and of fox-hunters, who were hired to destroy the beasts of prey and noxious vermin, are all occupations which appear in the Chamberlain's Accounts, and evince a sedulous attention to the sports of the field.[2]

In the romance of Sir Tristrem, which may be quoted as good authority for the manners of Scotland in the days of Alexander the Third, we meet with some characteristic pictures of the sports and amusements of the times; and amongst these the chase holds, as might be expected, a most conspicuous place. The hero is the very king of hunters, and his profound acquaintance with the mystery of woodcraft is dwelt upon with a fond minuteness, which proves how high was the place which the science occupied in what were then considered the accomplishments of a brave and perfect knight. Tristrem, in travelling through a forest, encounters a company of huntsmen, who are returning from the chase with their hounds in leash, and the game which they had slain. He is scandalised at the awkward and unsportsmanlike manner in which they had broke up the venison; and on upbraiding them for their want of science, an unflayed hart is thrown down before him, and he is courteously requested to give them a lesson. This he performs in a manner so masterly and admirable, that the huntsmen are in ecstacies; and this new and superior mode of carving the buck is communicated to the king of the country, who esteems himself fortunate in having lived at an era when knowledge was destined to make so important a step towards perfection.[3] From the whole adventure, it is evident, that to break up a stag, or, in the language of Sir Tristrem, to "dight the erber" according to the most scientific method; to give his rights to the forester, the nombles to the hunters and spectators, the quarre to the hounds, and the expected corbin bone to the raven; to allot the due portion to himself as carver; to tie up the paunch with the grease; to preserve the gurgiloun; and, lastly, to recite the appropriate rhyme, and blow the tokening or death-note, were considered matters of deep study, and of no very easy attainment, which in those early ages formed a material part of a chivalrous and noble education, and which, it must be observed, constituted only a small portion of the complicated science of woodcraft. It is evident that Robert Bruce, who seems to have been accounted one of the most accomplished knights of his time, was an adept in the mysteries of the chase. He winds his horn in so masterly a way, that Sir James Douglas instantly pronounces that blast to be none but the king's; and the strength with which he draws the bow, and the unerring aim with which the shaft is directed, are particularly mentioned by Barbour. Indeed, for many months, when he led the life of a proscribed and wandering fugitive, he and his followers were driven to support themselves by the chase;[4] and there is evidence in the Chamberlains' Accounts that his dogs, his falcons, his horses, and his huntsmen were afterwards subjects of considerable care and expense.[5]

[1] Compotum E. de Montealto Vicecomitis de Forfar, p. 20.

[2] Compotum Patricii de Graham Vicecomitis de Strivelin. Chamberlains' Accounts, p. 61.

[3] Romance of Sir Tristrem, pp. 31, 32, 33. Fytte i. stanza 41 to 49 incl. Notes, p. 277.

[4] Barbour, pp. 40, 55, 80, 107.

[5] "Gilisio Venatori ex dona dni regis p. lram. 13 sh. 4 d." Compotum Constab. de Cardross, p. 39. Chamberlains' Accounts. Ibid. p. 40. "Item pro emendatione et tectura domus cuidam pro falconibus ibidem, cum constructione cuidam sepis circa ipsam domum 2 sh." Ibid. p. 44. "Item Gilisio venatori capiente boll. per iii. septimanas," &c.

At a remote period, indeed, we find that the Scottish stag-hounds and wolf-dogs were prized in foreign countries;[1] and, under the reign of David the Second, the character of the Scottish dogs and falcons stood so high, that they became an article of export;[2] while in the charters of the island lords the eyries of falcons are particularly mentioned.[3] The hawks of Norway, however, for strength and flight, were the most famous in the world; and there is a curious early notice in Sir Tristrem, which shews that the Norwegian merchant-ships imported them into Scotland.

> "Ther com a schip of Norway
> To Sir Rohante's hold,
> With hawkes white and grey,
> And panes fair y fold."[4]

In the Chamberlains' Accounts, the falconer of John of the Isles appears bringing falcons to David the Second;[6] and from the enthusiasm with which the sport of hawking is described in the early romances, and the gravity with which its mysteries are explained, we may conclude that in Scotland, as in the other countries of Europe, it was esteemed one of the most fascinating of feudal pastimes. It is easy, indeed, if we carry our mind back to the thirteenth or fourteenth century, to imagine how imposing and delightful must have been those field sports of our ancestors. Let us for a moment dwell on the picture. We see the sun just rising upon a noble chase, or park, with breezy slopes and gentle undulations, variegated with majestic oaks, and getting wilder and more rugged as you approach the mountains that surround it. His level rays are glancing on the windows of a baron's castle, and illuminating the massy gray walls, till they look as if they were built of gold. By and by, symptoms of busy preparation are seen: horses are led into the court; knights, squires, and grooms are booting and mounting, and talking of the coming sport; the huntsmen and the falconer stand ready at the gate; and the ladies' palfreys, led by their pages, are waiting for their fair mistresses. At last, these gentle dames descend from their bower, and each, assisted by her favourite knight, "lightly springs to selle;" the aged baron himself is gravely mounted, and leads the way; and the court of the castle rings with hoof and horn as the brilliant and joyous cavalcade cross the drawbridge, and disperse themselves through the good greenwood. There are few who could resist a wish to join in the pastime.

Within doors, and when not occupied by war or the chase, we are apt to believe that the time must have passed somewhat heavily with our ancestors; yet here, too, they had their resources. In the first place, their solemn feasts and banquetings were on a great scale, occupied much of their attention, and were not speedily concluded, if we may form an opinion from the variety and quantity of the viands.

All great occasions of festivity or solemnity, such as baptisms and marriages, the installation of bishops or other dignified churchmen, the recurrence of Christmas and the new year, the birthday of the king or the prince, it was the custom of those ancient times to commemorate by feasts; and the Chamberlains' Accounts of our early monarchs afford ample evidence of the scale upon which these entertainments were conducted. Immense quantities of beef and mutton, of pork and poultry; large and constant supplies of salmon, herring, hard fish and white fish, sturgeons, lampreys, and eels in great abundance; large importations of white and red wine, with a variety of spiceries and sweetmeats, besides figs, raisins, oil of olives, gingerbread, wax, vinegar, verjuice, and porpoises, form the anomalous and multifarious articles which swell the

[1] Sir James Ware's Antiquities of Ireland, vol. ii. p. 166. Edition by Harris.

[2] Rotuli Scotiæ, p. 891. 20th May 1365. "Salvus' Cond. pro Scutifero Godefridi de Roos Canes, et Falcones e Scotia ducturo."

[3] Robertson's Parliamentary Records, p. 89. Carta Reginaldi Filii Rodorici. "*Una cum æriis falconum.*"

[4] Sir Tristrem, p. 25, notes, p. 274. Ware's Antiquities of Ireland, in his works by Harris, vol. ii. p. 172.

[5] Chamberlains' Accounts, p. 282. "Cuidam falconario Johannis de Insulis portant. falcones dni regis 13 sh. 4 d."

account of William de Buthirgask, clerk of the kitchen to the good king Robert.[1] These were the articles of usual and daily consumption; but on occasions of unusual festivity, the entertainments were in the last degree extravagant and expensive. At the feast given at Canterbury on the installation of Ralph, abbot of St Augustine, six thousand guests sat down to a dinner of three thousand dishes:[2] and this was far exceeded by the splendour of the marriage banquet when the Earl of Cornwall espoused Cincia, the daughter of the Count of Provence, upon which occasion thirty thousand dishes were served up to an immense assemblage of guests, who had arrived from the remote parts of England as well as from Scotland.[3] In the feast which was given by the Archbishop of York upon the marriage of Alexander the Third, sixty stalled oxen were slain to furnish out the first course, and the rest of the entertainment was on an equal scale of magnificence. It was the custom, at these feasts, to bring in the boar's head with great state; sometimes the whole boar himself, stuffed, and standing on his legs, surrounded by a fortification of pastry, from the battlements of which little flags and banners waved over the grisly savage, was ushered in, carried by the master of the feast and his servants, with the trumpets sounding before him. In like manner the peacock, the swan, and the heron were greatly esteemed in those times, and brought in, with their plumage unbroken, upon plateaus richly gilt, and with a network of gold thrown over them; whilst, between the courses, the guests were entertained by a species of opera, acted by little puppets of paste, in which Arthur and his Knights of the Round Table, Godfrey of Bulloign, or some such heroes, performed their parts amidst magic islands, captive ladies, turbaned pagans, fiery dragons, and all the fantastic machinery of the period. When this was concluded, the company again resumed the feast which was continued till a late hour, and often prolonged for many days.

These were the solemn banquets of the Middle Ages; but even their ordinary meals, when the baron, in his feudal hall, feasted his vassals twice a day, were conducted with rude plenty and protracted hospitality. They dined early; and from the quantity of wines and spices imported into the country, there is reason to believe they sat late.

In the reign of Alexander the Third, the famous Thomas the Rhymer and the Earl of Dunbar, in whose castle he lived, sat down to dinner before twelve o'clock;[4] and, between the diversion afforded by the licensed wit of the fools who were kept by the king and the higher nobles; the hours spent in the game of chess, then popular; the listening to the lays of the harpers and minstrels, and the reading romances of interminable length, the day glided away.[5] We are to remember, also, that much time was spent in the devotions of the Catholic Church; that the labours of the needle and embroidery filled up many hours of a lady's life; whilst the older knights and barons, who received into their castles the sons of the nobility for the purpose of superintending their education, devoted much of their leisure to this occupation. In the speech which Walter Espec addresses to the English barons before the battle of the Standard, chess and dice are alluded to as the games in which the youthful knights passed their time; while the reading works of history, or the listening to the *gests* of their warlike ancestors, are considered as the more appropriate employments of an aged baron.[6]

At an early period in our history the system of chivalry made its way into Scotland, and gave that romantic tone to the character of the people

[1] Chamberlains' Accounts, pp. 74 to 85.
[2] Chronica, W. Thorn, p. 2010.
[3] Math. Paris, p. 536.
[4] Fordun a Goodal, vol. ii. p. 131.
[5] Rotuli Compotorum, Temp. Alex. III. p. 4. Compotum Constab. de Cardross, p. 41. Sir Tristrem, fytte i. sec. 29, 30. Compotus Camerarii, p. 96. Barbour, pp. 49, 54. Sir Tristrem, notes on fytte ii. p. 306.
[6] Ethelredus de Bello Standardi, p. 339.

which its usages, in a greater or less degree, communicated to every country in Europe. The early intercourse of our country with Scandinavia, the possession of the Western Isles, and of part of the mainland by the northern nations, and the circumstance that the Gothic tribes, at a remote period, had extended themselves over the whole of the Lowlands, created a predisposition in favour of this system of manners; for the first rude germ of chivalry is undoubtedly to be found in the habits and the character of this heroic race of men. Their unshaken and generous courage; the high and dignified station occupied by their women; their love of enterprise and adventure; their consideration for their scalds and minstrels; and their passion for marvellous and romantic fictions, are just so many features which, with a slight change, we find in chivalry under its more advanced and artificial shape. We are not, therefore, to wonder that, even as early as the end of the eleventh century, when Duncan, assisted by the Norman knights and soldiers of William Rufus, expelled Donald Bane from the throne, the light of chivalry is seen beginning to dawn in Scotland;[1] but the subsequent expulsion of the Normans and English by the Celtic population was unfavourable for a time to its further progress.[2]

Under Alexander the First, and during the reign of that wise and excellent prince, David the First, some traces of chivalrous manners and education are perceptible in the education of Henry of Anjou at the court of the latter monarch, and in the ceremony of the young prince receiving from the hands of David the order of knighthood when he had completed his sixteenth year.[3] Under Malcolm the Fourth and his successor in the throne, William the Lion, the thirst for knightly renown, and the existence of chivalrous manners, are distinctly seen. It was not till Malcolm had gained his spurs in France, by fighting at the siege of Thoulouse under the banner of the King of England, that this monarch, in the city of Tours, girded the youthful king with the belt of knighthood. During the same reign we have an example of a baron accused of treason appealing to his sword, and perishing in single combat; and the spirited speech of William the Lion, when he and a body of his barons were surprised and taken prisoners before Alnwick, "Now it will be seen who are good knights!" is decisive as to the progress of chivalry in Scotland during the twelfth century.[4] Indeed, the warm attachment of Richard Cœur de Lion, the most chivalrous of kings, to William the Lion, and the constant friendly intercourse which subsisted during this reign between the two countries,[5] could not fail to have its influence in disseminating the principles of a system which, in England, had taken such a hold both upon the monarch and the nation. Accordingly when William, in 1186, married Ermengarde de Beaumont, part of the dower stipulated in the marriage contract consisted in the feudal services of forty knights;[6] and the virtues of this monarch, as they are enumerated by Winton, his tenderness and fidelity in friendship, his generous emulation and companionship with Richard in deeds of renown, his courtesy and generosity, are all of

[1] Sax. Chron. by Ingram, pp. 307, 310. Duncan was knighted by William Rufus.

[2] Simeon Dunelm, p. 219.

[3] Chron. Thom. Wikes, p. 29. From this author, as well as from Hoveden, p. 490, there is little doubt, I think, that Henry was educated at the court of David. After his military education was completed, he appears to have gone over to Normandy; and upon his return from that country to England, he repaired to David at Carlisle, and was knighted.

I differ here from Lord Hailes, who pronounces it to be certain that Henry had no more than an occasional interview with David, and founds his opinion upon Gervas, p. 1366; W. Neubrig. p. 75; and J. Hagulstad. p. 277. If the reader will examine these passages, he will, I think, agree with me that they do not support such an assertion.

[4] Fordun a Goodal, vol. i. p. 450. Chronicon Sanctæ Crucis, p. 33. Editio Bannatynian. Gervas, p. 1381. Gulielm. Neubrig. p. 237. "Illico ferociter arma concutiens, suoque verbo simul et exemplo accendens, modo inquit, Apparebit quis miles esse noverit."

[5] Fordun a Goodal, vol. i. p. 507. Winton, vol. i. p. 330.

[6] R. Hoveden, p. 632.

them chivalrous. A passion for religious war, and a thirst for the glory which was gained against the Infidels, was the only ingredient wanting to complete the chivalrous character of the country; and this last principle is to be seen in the conduct of David, earl of Huntingdon, the brother of William the Lion, who assumed the cross immediately after his marriage, and departed for the Holy War in company with Richard the First.[1]

Not long after the departure of the Earl of Huntingdon for the Holy Land, William Malvoisine, the bishop of St Andrews, in a great council of the clergy held at Perth, preached a crusade, and deputed many emissaries throughout Scotland to enforce the same holy warfare in their sermons and addresses to the people; but, although multitudes of the middle and lower classes assumed the cross, they were joined by few of the rich and the powerful in the land.[2]

The tournaments we find an established amusement in Scotland under Alexander the Second. This monarch himself received the belt of knighthood from John, king of England; and, under the reign of his successor, we see, in the remarkable debate which arose on the subject whether the youthful monarch could be crowned before he was knighted, how strong a hold the system and institutions of chivalry had taken of the national mind. When Bisset was accused of the murder of the Earl of Athole, he instantly appealed to his sword. The marriage of Alexander the Third; the feasts and music; the sumptuous dresses and largesses; the future progresses of the youthful king and his consort to visit their father's court,—were full of all the pomp and circumstance of chivalry. The character of Alan Durward, celebrated as being the flower of Scottish knighthood; the solemnity with which we find this order conferred by the sovereign upon the sons of the nobility at the palace of Scone; the increasing passion for the crusades; and the departure of many of the Scottish nobles for Palestine, confirm this opinion;[3] but it is chiefly under the reign of Bruce, and his son David the Second, that we discover the complete introduction of chivalry into Scotland.

The work, indeed, to which this great king devoted his life was of too serious a nature to be often interrupted or encroached upon by the splendid and fantastic trifling of chivalry. Yet, in personal prowess, and the use of his weapons, Bruce was accounted one of the best knights in Europe; and in Ireland we find the king halting the army, when retreating in circumstances of extreme difficulty, on hearing the cries of a poor *lavendere*, or washerwoman, who had been seized with labour, commanding a tent to be pitched for her, and taking measures for her pursuing her journey when she was able to travel: an action full of the tenderness and courtesy so especially inculcated by chivalry, yet springing here, perhaps, not so much from the artificial feelings of a system, as from the genuine dictates of a brave and gentle heart. Bruce, and Douglas, and Randolph, it may be said, were too good soldiers and patriots to be diverted from their objects by the pursuit of personal adventure; but, from the nature of the long war with the English, feats of individual prowess, and gallant "points of arms," performed by a handful of brave vassals and partisans, were often the only efforts which kept up the desponding spirits of the nation; and the spirit of chivalrous adventure, and of useful patriotic exertion, thus became simultaneous and compatible in their operation.

The battle of Bannockburn, it has been said by a late writer on chivalry, was not a chivalrous battle.[4] In one respect it assuredly was not similar to Poictiers and Cressy, which the same writer has dwelt on with justifiable

[1] It ought to be observed, however, that this crusade of the king's brother rests only on the apocryphal authority of Boece, and is not to be found in the more authentic pages of Fordun or Winton.

[2] Fordun a Goodal, vol. i. p. 534.

[3] Fordun a Goodal, vol. ii. pp. 72. 73. 80. 112. 113.

[4] Mill's History of Chivalry, vol. i. p. 402.

enthusiasm; for the laurels of Cressy and Poictiers were barren as to everything but glory, while at Bannockburn the freedom of a whole people was sealed and secured for ever. But it would be difficult, either at Cressy or Poictiers, to select two finer examples of chivalrous daring than the defeat of Clifford by Randolph, and the single combat between Bruce and Boune in the presence of the two armies: and the courtesy of Bruce to his noble captives is more natural than the overstrained generosity of the Black Prince to his royal prisoner King John. That well-known incident, the triumphant entry of the Black Prince into London, mounted on a little palfrey, whilst the person of the King of France was displayed upon a noble horse in gorgeous trappings, had something in it too ostentatious and condescending to merit the encomium which has generally been bestowed on it. It is not to be forgotten, also, in estimating the comparative influence of chivalrous principles upon the character of Bruce, when compared with that of the First and Third Edwards and the Black Prince, that there does not occur during the whole reign of the Scottish king, even in those moments when most exasperated by personal injuries, and when he possessed ample power of giving loose to a spirit of revenge, a single instance of cruel or vindictive retaliation. On the other hand, the massacre of Berwick, and the imprisonment of the Countess of Buchan by Edward the First; the intended sacrifice of the six citizens of Calais; the penurious economy with which the captive king and the Scottish prisoners were treated after the battle of Durham, by Edward the Third; and the massacre of Limoges by the Black Prince, remind us that these heroic men, although generous in the use of victory, could sometimes be irritated by defeat into cruelty and revenge. But while Bruce was true to his chivalrous faith in kindness, courtesy, and humanity, he permitted not the love of personal adventure to interfere with that strict military discipline which he rigidly maintained; and on one memorable occasion, in his Irish campaign, the king, with his truncheon, nearly felled to the ground a young knight, named Sir Colin Campbell, for daring to break the array, that he might revenge an insult offered him by one of the skirmishers of the enemy.[1] We have already seen what a rich glow of chivalrous devotion was shed over the last scene of his life; and in the whole history of this singular system, which for so many centuries possessed such an influence over European manners, it will not be easy to point out a more striking event than the death of the good Sir James, in his first battle against the Moors in Spain.

In this inquiry we have not yet made any remarks upon the dress, the arms, and the warlike accoutrements of those remote times; and yet the subject, although of inferior interest to many other branches of the history of manners, is of considerable importance in estimating the civilisation of the period. Ascending, then, to that period under David the First, when, as we have already seen, his people were of a mixed race, including the tribes of Celtic original, as well as the Saxons and Normans, we find that the first-mentioned race were in dress and arms far inferior to his subjects of Gothic origin. They were armed with long spears pointed with steel, but so blunt as to be incapable of doing much execution, and which not unfrequently broke at the first thrust;[2] they bore also swords, and darts or javelins, and made use of a hooked weapon of steel, with which they laid hold of their enemies; their shields were formed of strong cowhide; a rough mantle, or outer coat of leather tanned with the hair on, was thrown over their shoulders, which, on occasions of show or ceremony, was exchanged for a scarlet

[1] Barbour, pp. 315, 316. See, for a duel in 1329, Chamberlains' Accounts, p. 136. "Et vic de Edinburgh pro factura Parci juxta Edinburgh ubi milites pugnabant, et in quo miles Anglie fuit devictus, vi lib. xiii sh. iiii d." And again, in 1364, under David the Second, Chamberlains' Accounts, p. 427, "Et Simoni Reed pro factura palicii pro duello."

[2] Ethelredus de Bello Standardi, p. 340.

robe; and their under vestment was so short, that from the knee downwards the leg was wholly bare.[1] They allowed their hair and beards to grow to such a length, that their countenances were almost covered. Even their nobles and leaders appear to have been strangers to the steel armour of the Saxons and Normans; for we have already remarked that the Earl of Strathern, on the eve of the battle of the Standard, reproached David the First for trusting too much to the steel coats of his Norman subjects; and boasted that, unarmed as he was, he would precede Alan de Percy in the onset.[2] This dress and these weapons were common to the whole race of the Celts; and are evidently the same with those used by the Irish, as we find them described by one of the ablest antiquaries who has written upon the subject.[3] The Galwegians appear to have been generally mounted; but they were accustomed to act, according to the emergency, either on foot or horseback; and, by the fury of their charge, which they accompanied with loud yells of "Albyn! Albyn!" they not unfrequently succeeded in throwing into disorder, and eventually cutting to pieces the more disciplined troops which were brought against them.[4] They understood, also, the art of defending their mountain passes by barriers of trees, which they felled and placed transversely, so as to oppose an almost impenetrable obstacle to an invading army. But although brave to excess, and, according to their own rude degree of knowledge, skilful in war, their manners were cruel and ferocious; and the picture left us, by a faithful contemporary, of their excesses is too revolting to be dwelt upon.[5]

[1] "Hispida Chlamys, Crus intectum." Fordun a Goodal, vol. ii. p. 82.

[2] Ethelredus de Bello Standardi, p. 342. Ralph de Diceto, p. 573.

[3] Sir James Ware, Irish Antiquities, vol. ii. pp. 175, 176.

[4] Benedict. Abbas, p. 447. Rog. de Hoved. p. 813, quoted in Ritson's Ann. of Caledonians, vol. ii. p. 293. Richar. Prior. Hagulstad, p. 322. Ethelredus de Bello Standardi, p. 345.

[5] Ethelredus de Bello Standardi, p. 341.

Different in their dress, superior in their arms and warlike accoutrements, and more civilised in their manners, were the races of Gothic extraction whom we find composing a great part of the army of David the First in the battle above alluded to, and which we can discern, from the time of Malcolm Canmore, gradually gaining upon and pressing back the Celtic population of Scotland. In the beginning of the eleventh century, Eadulph-ludel, a Saxon earl, surrendered to Malcolm the Second all his right to the territory or province of Northumberland. Previous to this, the extensive district then denominated Cumberland, including the modern shires of Cumberland, Westmoreland, and part of Lancaster, had been acquired by the Scottish princes as feudatories of England; and the marriage of David, earl of Cumberland, afterwards David the First, to the daughter of Earl Waltheof, procured as an appanage to the Scottish crown a part of the ancient kingdom of Northumberland, then known by the name of the earldom of Northumberland. All that fertile and extended tract of country which was formed by the union of these successive acquisitions, and which comprehended the greater portion of the south of Scotland, was peopled by the Saxons and the Normans, whose dress and arms, at the period of which we now speak, assimilated much to each other, the superiority in the richness of the stuffs and in the temper of the armour and the weapons of offence being on the side of the Normans.

The sword of the Scoto-Saxons was, in all probability, exactly similar to that of the Anglo-Saxons,—a long straight weapon, double-edged, and fitted both to cut and thrust. A late able English antiquary, in his deductions and delineations from ancient illuminated manuscripts, has thrown much light upon the subject; and, following his authentic descriptions, we find that the shield was of a middle size, always convex, formed of wood covered with leather, and commonly armed in the centre with a strong

sharp-pointed cone of iron.[1] At an early period the Saxons do not appear to have used armour for the body, but to have gone into battle with a short upper coat of leather, which was girded round the loins, and beneath which are seen the folds of the under tunic worn close to the skin, and reaching to within a little of the knee.[2] In persons of rank, the tunic and the coat were ornamented with rich borders round the edges; and the legs clothed in hose composed of twisted rolls of woollen, reaching to the middle calf; while the feet were shod with buskins. Besides the shield and the sword, they carried a long spear with a sharp steel point, sometimes armed with a barb, and the battle-axe; but we do not find either the cross-bow or the long-bow originally employed by them. These last weapons were brought in by the Normans, who used them with fatal and murderous effect, and from whom the Saxon soldiers borrowed them in the course of years. The head of the common soldier was protected by a species of conical cap, not unlike the Kilmarnock nightcap, which appears to have been made of the skin of some animal, with the hair turned outwards. This headpiece, however, in persons of rank, was formed of steel or brass, and frequently ornamented with a broad gilded border, or even set with precious stones; whilst, in the dress of kings and princes, it gave place to a crown itself, or to a small circlet of gold. The sword-hilts and scabbard, the shields and head-gear of the kings and nobles, were often richly ornamented, studded with precious stones, or inlaid with gold; they animated their troops with the sound of a long horn or trumpet; whilst there were carried before them into battle rich banners, upon which the figure of a white horse, of a raven, or a fighting warrior, were curiously wrought in gold, and not unfrequently decorated with jewels. In the battle of the Standard, the royal Scottish banner was embroidered with the figure of a dragon, around which rallying point, when the day was going against them, the flower of the Scottish army crowded in defence of their sovereign.

The era, however, of the arrival of the Normans in England, and of the subsequent gradual progress of this remarkable people from England into Scotland, till they fixed their names and customs even in the remote provinces of the north, is the era also of a perceptible change in the dress, arms, and warlike inventions of the Scoto-Saxons. The shirt of mail was probably known to the Saxons in its first rude state: it was composed of small pieces of iron sewed in rows upon a leathern jacket, overlapping each other like the scales of a fish, and seems to have been early introduced. An experiment was next made to form something like the same piece of body armour, by twisting or interweaving strong wires with each other, so as to create a species of iron wicker, which must have proved stiff and disagreeable to the free motion of the body. Probably, for this reason, it was not attempted to be carried lower down than the bottom of the stomach, and a short way below the shoulder, so as to leave the arms and limbs full room for action. In time, however, these rude beginnings were superseded by more correct and skilful imitations of the armour of the Normans; and as hitherto the chief force of the Scottish army had consisted in infantry, it is curious to trace the gradual departure from this system as early as the reign of David the First, and the few feeble efforts which were then made to imitate the Normans, whose chief force consisted in cavalry. As early, for instance, as in the battle of the Standard, the Scottish horsemen make their appearance, although bearing no proportion to the infantry; and it is singular that on both sides the leaders made the cavalry dismount and fight on foot. Yet, under the reign of Alexander the Second, when that monarch invaded England, we have already seen the encomium pronounced by Mathew Paris upon his cavalry, which,

[1] Meyrick's Ancient Armour, Introduction, vol. i. p. 62.
[2] Ibid p. 62.

although mounted on neither Spanish nor Italian horses, made a splendid and martial appearance; and in the battle of Largs, in the subsequent reign, the destruction of the Norwegians who had landed was completed by a Scottish army in which there was a body of fifteen hundred horsemen, the knights and leaders of which were mounted on Spanish horses, armed, both horse and man, from head to heel, in complete mail, and the rest on the small active horses, whose chests were protected by a steel breastplate. Besides this select body of cavalry, we find that the foot soldiers were well accoutred, and, in addition to the long spear of the Saxons, they now carried the Norman bow.[1]

The principal arms of the Normans are well described in an ordinance, or assize of arms, of Henry the Second, preserved by Hoveden, in which it is declared that every man possessed of goods and chattels to the value of one hundred pounds is to provide, for the king's service, a horse and a soldier completely armed in mail; whilst every man possessed of any sum, from forty to twenty-five pounds, was to have for his own use an *albergellum*, or haubergeon, an iron helmet, a lance and a sword. This refers to the Norman dominions of the king. In England, the same monarch commanded every man who held a knight's fee to furnish a soldier completely armed in a coat of mail and a helmet, with a lance and a shield; every freeman who possessed goods and chattels to the value of sixteen marks was to have a coat of mail, a helmet, a shield, and a lance; every freeman possessed of the value of ten marks, to have a haubergeon, an iron cap, and a lance; and lastly, every burgess and freeman whatsoever, to furnish himself with a *wambais*, an iron cap, and a lance, which, on pain of severe penalties, he was not to sell or pawn.[2] In the reign, therefore, of Henry the Second, and in the year 1181, which is the date of this assize, the principal armour for the body was of three kinds: the lorica or entire coat of mail, the albergellum or haubergeon, and the wambais; the first worn by the richest knights; the next by the higher order of yeomanry, or gentry; and the last by the burgesses and freemen in general.

It is not difficult to ascertain more minutely the construction of these different kinds of body armour, which it is certain were used promiscuously both in Scotland and in England. The lorica, or coat of mail, is to be seen distinctly on the seals of the First and Second Henry. It appears to have been formed by rings of steel or iron, sewed or fixed closely together, upon a leathern coat, reaching from the neck, which it covers, to the knee, not unlike our modern surtout. In other instances, however, the neck and head were protected by a separate piece, called the chaperon, or hood of mail, which could either be drawn over the head in time of action, or after battle thrown loosely on the shoulder, so as to give the warrior air and refreshment. Over the chaperon the helmet was placed;[3] and of this graceful costume some beautiful examples are to be seen in the recumbent monuments of the knights which we frequently meet with in the English churches, and more rarely in Scotland. The sleeves of the coat, as seen in the seals of these two Henrys, cover the whole arm down to the wrist, leaving the hands bare and unprotected; but an elongation of the coat of mail was soon after introduced, so as to form a mailed glove, which completely protected the hands; and yet from its pliancy, being formed of the same rings of steel, quilted on a simple leather glove, left them free room for action. Over this mail coat, which, under Richard the First,[4] was so formed as to cover the whole body from head to heel, it became the fashion, during

[1] Norse Account of the Expedition, pp. 93, 94. 95.

[2] Hoveden, p. 614. Rerum Angl. Script. a Saville.

[3] See Strutt's Dress and Habits of the People of England, vol. i. plates 43 and 45. The seals of Henry the First and Henry the Second will be found beautifully engraved in the new edition of the Fœdera, vol. i. pp. 6. 19.

[4] See the seal of this monarch, Fœdera, new edition, vol. i. p. 48.

the reign of the Third Henry, for the knights to wear a surcoat, formed of cloth or linen, which at first appears to have been a mark of distinction, and which, latterly, during the fourteenth century, was ornamented with the arms of the wearer, richly embroidered. Surcoats in England, although found at an earlier period abroad, were not worn before the reign of Henry the Second; did not become general till the time of John; and bore no armorial bearings till the period of Henry the Third.[1]

The albergellum, or haubergeon, in its early form, afforded less protection to the whole person than the coat of mail, and was a less costly article of body-armour. It appears to be exactly the same piece of armour with the halsberga of Ducange, and was originally intended, as we learn from its component words, hals-berg, for the protection of the neck alone; but it probably soon came to cover the breast and the shoulder. It was formed of the same ringed mail, quilted on leather,[2] and is particularly mentioned in the assize of arms passed by Robert Bruce. The wambais was nothing more than a soldier's coat-of-fence, made of leather, or cloth, quilted with cotton, which, although it afforded a security inferior, in a great degree, both to the mail-coat and the haubergeon, gave considerable protection against a spear-thrust or sword-cut.[3] It is well known that while the great force of the Saxons consisted in infantry, the Normans fought on horseback; and that, from a little after the time of William the Conqueror, the power of the Norman cavalry became so formidable as to be celebrated and dreaded throughout Europe. The horses were armed in steel, as well as the men; and both being thus impenetrably protected, the long spears of their enemies, (to use an expression of Hoveden,) "might have as well struck against a wall of iron."[4] Under the Conqueror himself, indeed, and judging from the costume in which he is seen upon his seal, this horse-mail does not appear to have been used at all; and the same observation is applicable to the seal of Henry the First, and to those of Richard Cœur de Lion, John, Henry the Third, and Edward the First. Upon the seal of Henry the Second, however, we find his horse armed with the chamfreyn, or steel frontlet; and the disappearance of it upon the seals of the monarchs who succeeded him was evidently a caprice of taste, either in the artist or the sovereign; for we know for certain that the steel-clad steeds, or *Equi Cooperti*, formed the principal force in the battle of the Standard, fought in the reign of Stephen, against David the First; and we have already seen, that the Scottish cavalry, at the battle of Largs, was composed partly of Spanish steeds in complete armour, and partly of horses with breastplates; a convincing proof how completely the Norman habits and arms had been adopted in Scotland under Alexander the Third.[5]

The offensive weapons of the Norman knights and higher soldiers consisted of the sword, which was in no respect different from the Saxon sword, and the lance, with a streamer or pennon; whilst the arms of the lower classes of the infantry, not including the archers, were the club and mace, denominated, in the Norman-French of Wace, "pilx et macheues."[6] The arms of a higher baron, or count, in the time of the Conqueror, are accurately pointed out in an ordinance of this prince, which directs "that every count shall be bound to bring to the

[1] Meyrick's Ancient Armour, vol. i. p. 21.

[2] So, in an old German anonymous poem quoted in Ducange, voce Halsberga.

"Geh und bring mir doch here,
Mein halsperg und mein schwerd."

And in the Will of Duke Everard, in Miræus, chap. xxi., "Et helmum cum halsberga."

[3] Meyrick's Ancient Armour, vol. i. p. 67.

[4] Hoveden, p. 277. Strutt's Manners of the People of England, vol. i. p. 99.

[5] Norse Account of Haco's Expedition, p. 95.

[6] Wace, in describing the Duke of Normandy's summons to the "vilains:"—

"Par la contrée fit mander
Et a vilains dire et crier,
Que a tiex armes, com il ont
Viengnent a lui ains quil porront,
Lors voissiez haster vilains,
Pilx et macheues en lor mains"

assistance of the king eight horses saddled and bridled, four hauberks, four helmets, four lances, and four swords."[1] These were termed by the Normans free arms, libera arma, as being those peculiarly appropriated to men of high and noble rank; but in the course of time the short dagger, the gis arma, or bill, the cross-bow, and battle-axe were introduced amongst the Norman weapons of offence, and borrowed by the Scoto-Normans from their countrymen.[2]

The attention which has been paid to render this description of the Saxon and Norman armour clear and authentic will not be deemed superfluous when it is understood that the Scottish armour used during this period appears, with a few alterations, borrowed in all probability from the Norwegians, to have been the same as that worn by the Saxons and Normans. The battle-axe, the mace of iron, and the short dagger were adopted by the knights, and, along with the other arms of the lower ranks, borrowed by the Scoto-Normans from their countrymen, and introduced into Scotland. Thus, on the seal of Alexander the First of Scotland, who succeeded Malcolm Canmore, and whose sister Matilda married Henry the First of England, we find the scaled mail-coat composed of muscles, or lozenged pieces of steel, sewed upon a tunic of leather, and reaching only to the mid thigh; the hood is of one piece with the tunic, and covers the head, which is protected with a conical steel cap, and a nasal; the sleeves are loose, so as to shew the linen tunic worn next the skin, and again appearing in graceful folds above the knee; the lower leg and foot are protected by a short boot, armed with a spur; the king holds in his right hand a spear, to which a pennoncelle, or small flag, is attached, exactly similar to that worn by Henry the First; the saddle is peaked before and behind, and the horse on which he rides is ornamented by a rich fringe round the chest, but altogether unarmed.[3]

Another curious specimen of the Scottish armour of the twelfth century is to be seen on the seal of David, earl of Huntingdon, brother of William the Lion. It is of the species called by the contemporary Norman writers the "trellissed," and consists of a cloth coat or vest, reaching only to the haunches, and with sleeves extending to the wrist. This is intersected by broad straps of leather, laid on so as to cross each other, but to leave intervening squares of the cloth, in the middle of which is a round knob or stud of steel. The chaperon or hood is of quilted cloth, and the under tunic, of linen, covers the knee, and hangs in folds over the saddle, which is highly peaked in the shape of a swan's neck. His shield is rounded at the top, and he holds a long spear, ornamented by a gonfanon, on which a rose is embroidered. His helmet is the conical one, plain, and worn over the hood, and the horse has neither armour nor trappings.[4] It was this David, earl of Huntingdon, who, having embarked for the Holy Land with Richard Cœur de Lion, is said to have been shipwrecked on the coast of Egypt, and sold as a slave to a Venetian merchant. His master brought him to Constantinople, where he was fortunately recognised by some English merchants, redeemed, and sent home.[5]

[1] "De relief al cuntê, que al rei afelst. viii chivals, selen et enfrenet, les viii halbers, et les hammes, et viii escus, et viii lances, et viii espees."—Leg. Guilielm I. chap. xxvi.

[2] Strutt's Manners and Customs of the People of England, vol. i. p. 99. So Wace, speaking of the Norman infantry,—

"Et vous aves lances trovés,
Et pois armes bien emolues."

[3] Seal in the Diplomata Scotiæ, plate viii., and the plate in Dr Meyrick's History, p. 29, plate x.

[4] Meyrick, vol. i. p. 11. Anderson's Diplomata, plate x.

[5] Chron. Melross. p. 179. Hailes, vol. ii. p. 342. Dr Meyrick has accidentally mistaken this David, earl of Huntingdon, from whose daughter Robert Bruce was descended, for his grandfather, David the First; but the error is a trifling one. Mills, in his amusing but superficial work, the History of Chivalry, affects to despise the critical inquiry of Dr Meyrick. That there may be some few errors in an inquiry embracing so wide a range none will deny; but in point of research and historical interest it is worthy of much praise. It is to be regretted that the valuable matter of the text should be shut up from most

The shield which was used in Scotland at this period was the kite-shaped shield of the Normans; and, although plain and unornamented at first, we find that in the beginning of the thirteenth century, under Alexander the Second, the lion rampant of Scotland appears upon it for the first time. On the shield of Prince Henry, grandfather of William the Lion, who died about sixty years before the accession of that prince to the throne, there is no appearance of any heraldic blazoning, and the practice, which was first introduced by Richard Cœur de Lion into England, appears to have been adopted during this interval by our Scottish monarchs.[1] The strict friendship and constant intercourse which was maintained between William the Lion and Richard the First, and the attention which was paid by the latter monarch in Europe and in Palestine to everything connected with the improvement of the military art, must have produced a correspondent enthusiasm in our own country; and these improvements would speedily be brought into Scotland by David, earl of Huntingdon, and his companions, the brother crusaders of Richard. This observation is accordingly confirmed by the fact just noticed, that Richard first bore the three lions on his shield, and that the same practice, formerly unknown, was adopted not long after in our own country.

Another change appears in the helmet of Alexander the Second, which confirms this remark. The aventayle or visor, and the cylindrical shape, are seen in its construction for the first time, and these we know were brought in by Richard the First, although under a slightly different form as used by the lion-hearted king. This Alexander succeeded his father, William the Lion, in the beginning of the thirteenth century. He appears clothed in a complete coat of mascled mail, protected by plates at the elbows. The surcoat also, first worn in England by John, is thrown over his armour—another proof of the progress of military fashions from England into this country; and his shield is hollowed so as to fit the body, and completely defend it. His horse, without any defensive armour, is ornamented with a fringed and tasselled border across the chest, and an embroidered saddle-cloth, on which the lion rampant again appears.[2]

Under the succeeding reigns of Alexander the Third, Baliol, Bruce, and his son David the Second, the military costume, the fashion, shape, and ornaments of the arms, and the science of war, appear to have been almost exactly the same in both countries. Alexander the Third wears the cylindrical helmet, with the perforated aventayle; there is a superior richness and splendour in the ornaments of his armour, and the horse is covered from head to foot with flowing housings, on which the lion rampant is richly embroidered, with a bordure set with fleurs-de-lis. A plume of feathers surmounts the helmet, and the same ornament is seen on the head of his horse.[3] Little difference is discernible in the military costume of Robert Bruce, except that his steel casque is surmounted by a royal crown, which we have seen him wearing at the battle of Bannockburn.

As the arms and military costumes of both countries appear to have been exactly similar, so we may with equal truth apply the same remark to the science of war itself. The superior genius of Bruce soon indeed perceived that to cope with the English in cavalry was impossible, and he accordingly directed his principal attention to perfecting the arms and the discipline of his infantry,—a system taught him by the example of Wallace; but this was chiefly occasioned by the poor and exhausted state of the

readers by the costly price which the plates render indispensable.

[1] Anderson's Diplomata Scotiæ, plate xx. Meyrick's Ancient Armour, vol. i. p. 101.

[2] Seal in Anderson, plate xxxi. Meyrick's Armour, vol. i. p. 101.

[3] Anderson's Diplomata, plate xxxvi. See Chamberlains' Accounts, Temp. Alex. III. p. 35, "In reparacione loricæ dni regis 18 sh." &c. Ibid. p. 38, "In mundacione armorum dni regis 13 sh. et 8 d." Ibid. p. 45, "Item in 14 targis bene munitis sciltarga pro 5 sh. 70 sh. In emendacione 3000 querellis 5 sh."

country. Previous to the long war of liberty, which drained away its wealth, and arrested it in its career of improvement, the cavalry of Scotland, as we have seen in our former allusions to the battle of the Standard and the battle of Largs, held a principal place in the composition of the army. The disastrous defeat which David experienced in the first of these actions was in all probability occasioned by his being compelled to place the ferocious and half-armed Galwegians in the first line; and, even after their undisciplined conduct had introduced disorder and flight, the day was nearly restored by a successful charge of the Prince of Scotland, at the head of his men-at-arms, who, to use the expressive phrase of Ethelred, "scattered the English army like a cobweb." In the battle of Largs, the appearance of the Scottish knights on Spanish horses, then considered of high value, and which were clothed in mail, evinces that, under Alexander the Third, the cavalry of Scotland was equal in equipment to the sister country. We learn, from the Chamberlains' Rolls of the same monarch, that, in the preparations which were made for defence and security in the different castles, about the time of the expected invasion of the King of Norway, the warlike engine called the balista was in use; and that there was an officer in the castle of Aberdeen called Balistarius, who was allowed twenty shillings for the purchase of staves, and other necessaries which belonged to his office.[1] At an earlier period still, when David the First, and his son, Prince Henry, invaded England in 1138, they attacked the castle of Werk with balistæ, and other warlike engines;[2] and we have every reason to believe that the science of war, and the attack and defence of fortified places, must have been the same, with very slight variations, in both countries. It is evident, from the history of the Bruce and Baliol wars, and the most remarkable sieges which took place during their continuance, that, in whatever terms of wonder these warlike machines for the battering of the walls are described by the contemporary historians, they were truly very clumsy and inefficient inventions; and that a strong-built castle, if well victualled and tolerably garrisoned, could defy for many months the whole efforts of a numerous army, with its balistæ, mangonels, tribuchets, sows, and rams playing upon it without intermission.

During the reigns of Edward the Second and Third in England, and the corresponding period occupied by the latter years of the reign of Robert Bruce, and the whole of that of David the Second in Scotland, the plate-armour began gradually to supersede the mailed coat; and various improvements and new inventions, both in the strength and in the ornamental parts of the equipment of knights and soldiers, were introduced, which, from the constant intercourse between the two countries, were adopted simultaneously in both. In 1367, a duel was fought between Thomas Erskine, a Scottish knight, and James Douglas of Egmont, on some quarrel not now discoverable. Both champions obtained permission from Edward the Third to purchase their arms and body-armour, on this occasion, in London; and the royal letters inform us of what pieces they consisted. A breastplate and back-piece, a helmet, a habergeon, arm-plates, thigh-pieces, greaves for the legs, and iron gauntlets, formed the body-armour. The weapons were, a dagger or short sword, a long sword, and a knife; and one of the knights requests to have body-armour for two horses, whilst his antagonist contents himself with a chamfreyn or iron frontlet for one.[3]

[1] Chamberlains' Rolls, Temp. Alex. III. p. 19, "Item, Willelmo ballistario ad emendum baculos, et alia que pertinent ad officium suum 20 sh." Ibid. p. 9, "Item, Balistario de illo anno 2 marcas et dimidiam." Ibid. p. 10, "Idem comes petit sibi allocari costumas de xi^{xx} petris ferri et fabricam de mille septingentis et septuaginta querellis et fabricam de ix^{xx} ferri;" and again, p. 47, "Item quod die hujus computi remanserunt in custodia ipsius, H. 12 lorice, 2 honbergell, unam par calligarum ferrearum, 14 targyss, et 12 bipennes."

[2] Rich Prioris Hagulstad. p. 315.

[3] Rotuli Scotiæ, vol. i. pp. 916, 917.

In the use of the bow, the English continued invariably to be superior to the Scots, and their bodies of mounted archers, and of cross-bowmen, who were not unfrequently armed in mail, often made cruel havoc amongst the Scottish spearmen. It is a singular circumstance, that although the importance of the long-bow could not fail to have suggested itself to such masters in war as Wallace and Bruce, and Randolph and Douglas, there does not appear to have been any very successful efforts made to introduce it as a national weapon. In remote times, indeed, we find the Scottish archers bearing a part in the battle of the Standard;[1] but, at the subsequent battles of Dunbar, Stirling, and Falkirk, they do not appear. In the memorable defeat, indeed, which Bruce gave to the Lord of Lorn, in the pass of Cruachan-Ben, Sir James Douglas appears at the head of a body of archers lightly armed,[2] but they are not to be found in the muster of the army at Bannockburn; and although Bruce, in an ordinance of arms passed in 1319, commands every man possessed of the value of a cow to arm himself, either with a bow and a sheaf of arrows, or with a spear, the last weapon was evidently preferred by the Scottish yeomanry. Neither in the future expeditions during the reign of this monarch, nor in the disastrous battles of Dupplin, Halidon, and Durham, do we meet with a body of Scottish archers.[3] With regard to the first of these battles at Halidon, there is to be found, in the British Museum, amongst the Harleian Manuscripts, a minute and curious account of the numbers, the arms, and the arrangement of the Scottish army, with the names of all the leaders;[4] which proves that the Scottish army consisted of knights, and of heavy-armed and light-armed infantry, without either archers or cross-bowmen. The same remark may be made with regard to the array at the battle of Durham; the knights armed cap-à-pé, with the homines armati, or heavy-armed infantry, formed the strength of the army; and besides these there was a large body of half-armed foot.[5] The ordinance of arms which was passed by Robert Bruce in 1319 acquaints us, in sufficiently minute terms, with the arms then used by the Scottish soldiers. An acton and a steel helmet, gloves of plate, and a sword and spear, were to be provided by every gentleman who had ten pounds value in land, or ten pounds of movable property. Those of inferior rank and fortune were bound to fit themselves with an iron jack, an iron head-piece, and gloves of plate; and the lowest class of all with a spear, or with a bow and a sheaf of arrows.[6]

The civil dress of those remote times, as it is seen in the illuminations of manuscripts, and in the reverses of the seals of our early monarchs, appears to have been rich and graceful. A robe of purple velvet or scarlet cloth, lined and hooded with ermine, with a border of gold embroidery, and flowers of gold scattered over it; an under tunic of silk, or other precious stuff, made sometimes close to the figure, and at other times hanging in loose folds almost to the heel; hose and breeches in one piece, and laced sandals, formed the common state dress of the kings, princes, and nobles, their more ordinary habits being nearly the same in shape, but of less costly materials.[7]

[1] Ethelredus de Bello Standardi, p. 342. "Alteram aciem filius regis, et milites Sagittariique cum eo, adjunctis sibi Cumbrensibus et Tevidalensibus, cum magna sagacitate constituit."

[2] Barbour, pp. 190, 191.

[3] At the siege of Perth, however, under the regency of Moray, Fordun mentions that Alan Boyd and John Stirling, "duo valentes armigeri, *rectores architenentium*," were slain.

[4] This interesting fragment is printed in the Illustrations, letters FF.

[5] Fordun a Goodal, vol. ii. p. 342.

[6] History, supra, p. 136. See Illustrations, letters RR.

[7] Strutt's Dress and Habits of the People of England, vol. ii. plates lxxxiii. and lxxxv. Chamberlains' Accounts, Temp. Alex. III. p. 13, "Augustino cissori per perceptum dni regis ad emendum panum et furur, ad opus dni regis vi. marcas et dimidium." See Ibid. p. 17, "In empcionibus tam in panao serico et aliis, quam in peletria speciebus electuariis, et aliis minutis empcionibus, 10 lib. 8 sh. 1 d." Ibid. p. 43. "Item in duobus paribrs ocrearum ad opus dni regis 12 sh."

During the thirteenth century, a fantastic fashion prevailed of clothing one-half of the figure in one colour, and the other half in another; and, where this was not done, of having one stocking red or blue, and the other green or yellow; so that the man had the appearance of having stept into one-half of his neighbour's breeches or hose. But this absurd practice did not long continue, and appears to have been at last abandoned to the exclusive use of fools and jesters.

The costume of the ladies at the same period was elegant, but so various, that it is difficult, in any written description, to give an idea either of its beauty, or of the complicated grouping of its parts. The upper part of the dress consisted of a jacket of rich broad cloth or velvet, with sleeves reaching to the wrist, and terminating in a border of gold embroidery, which was made to fit close to the bosom and the waist, so as to shew the beautiful outline of the female figure. It was fastened down the middle with a row of buttons of silver, gold, or precious stones, on each side of which was a broad border of ermine or miniver, and it reached considerably below the waist. Below this jacket appeared, in ample folds, an under robe or tunic of a different colour, and under all, a slip or petticoat of silk or linen. The tucker was high and modest, and made so as to leave only the neck and throat bare. The head-dress consisted either of the wimple, of the turban, or of a small circlet of gold, or garland of artificial flowers, from beneath which the hair sometimes flowed down the back, and sometimes was gracefully plaited or braided in forms of great variety. Over the whole dress, it was not uncommon, on days of state or ceremony, to wear a long cloak of velvet or other precious stuff, which was clasped across the bosom, and lined with ermine, martins, or gold lace. The golden girdle, too, worn round the waist, and sometimes set with precious stones, must not be forgotten. The splendour of the civil dresses of this period, both in England and in Scotland, is alluded to in terms of reprobation by Mathew Paris in his account of the marriage of Alexander the Third at York; and as the monastic historian was himself present, his account is the more curious and authentic.[1] It proves satisfactorily that the dresses of the higher ranks in England, Scotland, and France were the same. A passage, therefore, which we find quoted by Strutt, from an ancient MS. history of France, written in the fourteenth century, may be quoted as throwing light upon the costly variety of the dress of this period. It alludes to a sumptuous entertainment given at Paris in 1275, on the coronation of Mary. "The barons and the knights were habited in vestments of different colours: sometimes they appeared in green, sometimes in blue, then again in gray, and afterwards in scarlet, varying the colours according to their fancies. Their breasts were adorned with fibulæ or brooches of gold, and their shoulders with precious stones of great magnitude, such as emeralds, sapphires, jacinths, pearls, rubies, and other rich ornaments. The ladies who attended had rings of gold, set with topaz stones and diamonds, upon their fingers; their heads were ornamented with elegant crests or garlands; and their wimples were composed of the richest stuffs, embroidered with gold, and embellished with pearls and other jewels."

In the ancient French poem, the Romance of the Rose, which was completed by John de Meun in 1304, the poet has introduced the story of Pigmalion, and he represents the enamoured sculptor clothing his marble mistress in every variety of female finery. "He arrayed her," says he, "in many guises: in robes made with great skill of the finest silk and woollen cloths, green, azure, and brunette, ornamented with the richest skins of ermines, minivers, and grays: these being taken off, other robes were tried upon her of silk, cendal, maliquins, mallbruns, damasked satin, camlet,

[1] Math. Paris a Wats., pp. 715, 716.

and all of divers colours. Thus decorated, she resembled a little angel, her countenance was so modest. Then again he put a wimple upon her head, and over that a coverchief, which concealed the wimple, but hid not her face. All these garments were then laid aside for gowns, yellow, red, green, and blue, and her hair was handsomely disposed in small braids, with threads of silk and gold, adorned with little pearls, upon which was placed, with great precision, a crestine, and over the crestine a crown or circle of gold, enriched with precious stones of various sizes. Her little ears, for such they are said to have been, were decorated with two beautiful pendant rings of gold, and her necklace was confined to her neck by two clasps of gold. Her girdle was exceedingly rich, and to it was attached an aulmoniere, or small purse of great value."[1] This amusing and curious passage gives us some idea of the richness and intricacy of the female dress of the times: and we may conceive how striking and picturesque the spectacle must have been to have seen an ancient Gothic hall, on some night of solemnity and rejoicing, filled with fair forms in such splendid apparel, and crowded with barons, knights, squires, and pages, in their velvet robes and jewelled girdles, while the music of the minstrels echoed through the vaulted roof, and the torches threw their gleams upon its fretted arches, bringing out in clear relief their fantastic but often beautiful decorations.

There remain a few gleanings of information upon the state of some of the ornamental and useful arts in Scotland, too scanty to be included under any separate division, and which yet appear of importance, when we are collecting every scattered light which may serve to illustrate the manners and civil history of the country. At an early period, for instance, we can just trace an interesting attempt of David the First to soften the manners of his people, by introducing a taste for gardening. He spent some portion of his time, as we learn from his friend and contemporary, in his orchard in planting young trees, or in the more difficult operation of grafting; and it was his anxious desire to encourage the same occupations amongst his subjects. The gardener appears constantly in the Chamberlains' Accounts of the royal household, as an established servant, attached to the different palaces and manors. Alexander the Third had his gardeners at Forfar and Menmoreth.[2] We meet with the royal garden at Edinburgh as early as 1288; and the Cartularies contain ample evidence that the higher nobles and dignified clergy, and even the lesser knights and barons, considered their gardens and orchards as indispensable accompaniments to their feudal state.[3]

It must be evident to any one who has perused this Inquiry, that besides this elegant branch of rural economy, many of the other useful and ornamental arts must have arrived, during this period, at a state of considerable perfection in Scotland. The pitch of excellence, for instance, to which the architecture of the country had attained, necessarily includes a correspondent excellence in the masons, the carpenters, the smiths, the plumbers, the plasterers, the painters, and the glaziers, of those remote times. The art of working skilfully in steel and iron must have been well known, and successfully practised, by a people and a nobility armed and accoutred for war, in the fashion we have just described; and the mysteries of embroidery and needlework, with the professions of the clothier, silk-merchant, milliner, and tailor, could not fail to thrive and become conspicuous

[1] I have employed the translation, or rather the abstract of this passage given by Mr Strutt in his excellent work on the Habits and Dresses of the People of England, from a manuscript in the British Museum. Strutt's Habits and Dresses, vol. ii. pp. 235, 236. He has in some places used a little liberty with the original, which will be found in the Illustrations, letters SS.

[2] Chamberlains' Accounts, Temp. Alex. III. p. 13. "Item gardinario de Forfar, de illo anno v. marc. Item gardinario de Menmoreth de illo anno i. marc." See also pp. 59, 112.

[3] Robertson's Index, p. 86.

in so splendid a court, and amid such a display of dames and knights as we have seen thronging the royal residences during the course of the thirteenth and fourteenth centuries. The jeweller, too, the goldsmith, and the enameller, must have been lucrative professions, where the girdles, earrings, brooches, tiaras, and jackets of velvet, powdered with pearls, were conspicuous articles in female dress; and where the palls, copes, rocquets, crosiers, censers, and church plate, were still more sumptuous. There is, accordingly, decided evidence in the Chamberlains' Accounts, that the art of working in the precious metals had attained to considerable perfection, although in the extent of their gold and silver plate, the kings and nobles of Scotland appear to have been far inferior to the splendour and extravagance of their English neighbours. It must be remembered, also, that the most splendid specimens of the armour, jewellery, and gold and silver work, which are met with in the wardrobe books of the times, or which we read of in the descriptions of contemporary historians, were of Italian, Flemish, or Oriental workmanship, imported from abroad by the Scottish merchants.

In the sketch of the learning of those remote times, I have said nothing of the state of the healing arts, during a period when it may be thought, from the frequency of war and bloodshed, their ministration was much called for. But, unfortunately, upon this subject no authentic data remain, upon which an opinion may be formed; yet it has been already seen that our kings had their apothecaries and physicians. As to the actual skill, the prescriptions, and operations of such persons, we are quite in the dark; but, if we may form our opinion from the low and degraded condition of medicine in England at the same period, the patient who fell into the hands of these feudal practitioners must have rather been an object of pity than of hope; and it is probable, that a sick or wounded knight had a better chance for recovery from the treatment of the gentle dames or aged crones in the castles, whose knowledge of simples was often great, than from the ministrations inflicted upon him by the accredited leeches of the times.

CHAPTER VII.

ROBERT THE SECOND.

1370—1390.

DAVID THE SECOND, the only son of Robert the First, dying without children, the succession to the throne opened to Robert the High Steward of Scotland, in consequence of a solemn act of the Parliament, which had passed during the reign of his grandfather, Robert the First, in the year 1318.[1] The High Steward was the only child of the Lady Marjory Bruce, the eldest daughter of Robert the First, and of Walter the High Steward of Scotland; and his talents in discharging the difficult duties of regent, had already shewn him to be worthy of the crown, to which his title was unquestionable. Previous, however, to his coronation, opposition arose from an unexpected quarter. William, earl of Douglas, one of the most powerful of the Scottish nobles, being at Linlithgow at the time of the king's

[1] Fordun a Goodal, vol. ii. p. 290.

death, publicly proclaimed his intention of questioning the title of the Steward to the throne; but the motives which induced him to adopt so precipitate a resolution are exceedingly obscure. It is certain that Douglas could not himself lay claim to the throne upon any title preferable to that of Robert; but that the common story of his uniting in his person the claims of Comyn and of Baliol is entirely erroneous, seems not so apparent.[1] Some affront, real or imaginary, by which offence was given to the pride of this potent baron, was probably the cause of this hasty resolution, which, in whatever feeling it originated, was abandoned as precipitately as it was adopted. Sir Robert Erskine, who, in the former reign, had risen into great power, and then commanded the castles of Edinburgh, Stirling, and Dumbarton, instantly advanced to Linlithgow at the head of a large force. He was there joined by the Earls of March and Moray; and a conference having taken place with Douglas, he deemed it prudent to declare himself satisfied with their arguments, and ready to acknowledge a title which he discovered he had not strength to dispute.[2] It was judged expedient, however, to conciliate so warlike and influential a person as Douglas, and to secure his services for the support of the new government. For this purpose the king's daughter, Isabella, was promised in marriage to his eldest son, upon whom an annual pension was settled; and the earl himself was promoted to the high offices of King's Justiciar on the south of the Forth, and Warden of the East Marches.[3] To the rest of the barons and nobles who supported him, the High Steward was equally generous. The promptitude of Sir Robert Erskine was rewarded by the gift of three hundred and thirty-three pounds, an immense present for that time; whilst the services of March and Moray, and of Sir Thomas Erskine, were proportionably acknowledged and requited.[4]

This threatened storm having passed, the High Steward, accompanied by a splendid concourse of his nobility, proceeded to the Abbey of Scone, and was there crowned and anointed king, on the 26th of March 1371, by the Bishop of St Andrews, under the title of Robert the Second.[5] To confer greater solemnity on this transaction, which gave a new race of monarchs to the throne, the act of settlement by Robert the First was publicly read; after which, the assembled prelates and nobles, rising in their places, separately took their oaths of homage. The king himself then stood up, and declaring that he judged it right to imitate the example of his illustrious grandfather, pronounced his eldest son, the Earl of Carrick and Steward of Scotland, to be heir to the crown, in the event of his own death. This nomination was immediately and unanimously ratified by consent of the clergy, nobility, and barons, who came forward and took the same oaths of homage to the Earl of Carrick, as their future king, which they had just offered to his father; and upon proclamation of the same being made before the assembled body of the people, who crowded into the Abbey to witness the coronation, the resolution of the king was received by con-

[1] The story is to be found in Bower, the continuator of Fordun, vol. ii. p. 382; and in the MS. work, entitled, Extracta ex Chronicis Scotiæ, fol. 225. It was repeated by Buchanan, attempted to be proved to be erroneous by the learned Ruddiman, and again revived by Pinkerton, in his History of Scotland, vol. i. p. 10. See Illustrations, letters TT.

[2] Winton, vol. ii. pp. 304 and 514.

[3] Chamberlain Accounts, vol. ii. p. 26. Ibid. pp. 9, 10.

[4] Chamberlain Accounts, vol. ii. pp. 26, 27.

"Et in solucione facta Domino Willelmo Comiti de Douglas, circa contractum matrimoniale inter filium ipsius Comitis, et Isabellam filiam regis, ut patet per literas regis de predicto, et ipsius Comitis de rc. ons. super computum, Vc. li:

"Et in soluc: facto dno. Robto. de Erskine et de dono regis concess: sibi per literam ons. et cancellat. sr. compotum et ipsius Dni. Roberti de rc. ons. super computum IIIc, xxxiii li. vi s. viii d."

[5] Robertson's Records of the Parliament of Scotland, p. 119, sub anno 1371. It is there stated that all the barons and prelates took the oaths of homage, except the Bishop of Dumblane and Lord Archibald de Douglas, who only took the oath of fidelity. Yet this seems contradicted by the "Act of Settlement."

tinued shouts of loyalty, and the waving of thousands of hands, which ratified the sentence. An instrument, reciting these proceedings, was then drawn up, to which the principal nobles and clergy appended their seals, and which is still preserved amongst our national muniments: a venerable record, not seriously impaired by the attrition of four centuries and a half, and constituting the charter by which the house of Stewart long held their title to the crown.[1]

Robert the High Steward, who now succeeded to the throne, had reached his fifty-fifth year, a period of life when the approaches of age produce in most men a love of repose, and a desire to escape from the care and annoyance of public life. This effect was to be seen in the character of the king. The military and ambitious spirit, and the promptitude, resolution, and activity which we observe in the High Steward during his regency had softened down into a more pacific and quiet nature. He possessed strong good sense, and a judgment in state affairs matured by experience; but united to this was a love of indolence and retirement, little suited to the part which he had to act, as head of a fierce and lawless feudal nobility, and the guardian of the liberty of the country against the unremitting attacks of England. Yet, to balance this inactivity of mind, Robert enjoyed some advantages. He was surrounded by a family of sons grown to manhood. The Earl of Carrick, Robert, earl of Fife, afterwards Duke of Albany, and Alexander, lord of Badenoch, were born to him of his first marriage with Elizabeth More, daughter to Sir Adam More of Rowallan;[2] David, earl of Strathern, and Walter, lord of Brechin, blest his second alliance with Euphemia Ross, the widow of Randolph, earl of Moray; whilst seven daughters connected him by marriage with the noble families of the Earl of March, the Lord of the Isles, Hay of Errol, Lindsay of Glenesk, Lyon, and Douglas. To these legitimate supports of the throne must be added the strength which he derived from a phalanx of eight natural sons, also grown to man's estate, and who, undepressed by a stain then little regarded, held their place among the nobles of the land.[3] Although, after his accession to the throne, the king was little affected with the passion for military renown, and thus lost somewhat of his popularity amongst his subjects, he possessed other qualities which endeared him to the people. He was easy of access to the meanest suitor: affable and pleasant in his address; and while possessing a person of a commanding stature and dignity, his manners were yet so tempered by a graceful and unaffected humility, that what the royal name lost in pomp and terror, it gained in confidence and affection.[4]

In the political situation of the country at this period there were some difficulties of a formidable nature. A large portion of the ransom of David the Second, amounting to fifty-two thousand marks, was still unpaid;[5] and if the nation had been reduced to the brink of bankruptcy by its efforts to raise the sum already collected, the attempt to levy additional instalments, or to impose new taxes, could not be contemplated without alarm. The English were in possession of a large portion of Annandale, in which Edward continued to exercise all the rights of a feudal sovereign; they held, besides, the castles of Roxburgh and Lochmaben, with the town and castle of Berwick;[6] so that the seeds of war and commotion and the materials of national jealousy were not removed; and however anxious the English and Scottish wardens might shew themselves to preserve the truce, it was

[1] Robertson's Index to the Charters, Appendix, p. 11. "Clamore consono ac manu levata in signum fidei dationis." A facsimile of this deed has been engraved, and will be found in the first volume of the Acts of the Parliament of Scotland, sub anno 1371.

[2] Records of the Parliament of Scotland, p. 119, sub anno 1371.

[3] Duncan Stewart's History of the Royal Family of Scotland, pp. 56–58.

[4] Fordun a Goodal, vol. ii. p. 383.

[5] Records of the Parliament of Scotland, sub anno 1371, p. 129.

[6] Rotuli Scotiæ, vol. i. pp. 944, 947, 951, 958, 963. 965.

scarcely to be expected that the fierce borderers of both nations would be long controlled from breaking out into their accustomed disorders. In addition to these adverse circumstances, the kingdom, during the years immediately following the accession of Robert the Second, was visited by a grievous scarcity. The whole nobility of Scotland appear to have been supported by grain imported from England and Ireland; and a famine which fell so severely upon the higher classes must have been still more intensely experienced by the great body of the people.[1]

But Scotland, although as far as her political circumstances are considered undoubtedly not in a prosperous condition, enjoyed a kind of negative security from the weakness of England. Edward the Third was no longer the victorious monarch of Cressy and Poictiers. His celebrated son, the Black Prince, a few years before this, had concluded his idle though chivalrous expedition against Spain; and after having been deceived by the monarch whom his valour had restored to the throne, again returned to France, drowned in debt, and broken in constitution. Prince Lionel, whom Edward had hoped to make King of Scotland, was lately dead in Italy, and still severer calamities were behind. Charles the Fifth of France, a sovereign of much wisdom and prudence, had committed the conduct of the war against England to the Constable de Guesclin, a captain of the greatest skill and courage; and Edward, embarrassed at the same time with hostilities in Flanders and Spain, saw with deep mortification the fairest provinces, which were the fruits of his victories, either wrested from him by force of arms, or silently lost, from inactivity and neglect. In his attempts to defend those which remained, and to regain what was lost, the necessity of fitting out new armies called for immense sums of money, which, though at first willingly granted by parliament, weakened and impoverished the country; and the loss of his greatest captains, his own feeble health, and the mortal illness of the Black Prince, rendered these armies unavailable from the want of experienced generals.

From this picture of the mutual situation of the two countries it may be imagined that both were well aware of the benefits of remaining at peace. On the part of Scotland, accordingly, it was determined to respect the truce, which in 1369 had been prolonged for a period of fourteen years, and to fulfil the obligations as to the punctual payment of the ransom; whilst England continued to encourage the commercial and friendly intercourse which had subsisted under the former monarch.[2] Yet notwithstanding all this, two events soon occurred which must have convinced the most superficial observer that the calm was fallacious, and would be of short duration. The first of these was a new treaty of amity with France, the determined enemy of England, which was concluded by the Scottish ambassadors, Wardlaw, bishop of Glasgow, Sir Archibald Douglas, and Tynninghame, dean of Aberdeen, at the castle of Vincennes, on the 30th June 1371; in which, after an allusion to the ancient alliances between France and Scotland, it was stipulated that, in consideration of the frequent wrongs and injuries which had been sustained by both these realms from England, they should be mutually bound as faithful allies to assist each other against any aggression made by that country. After some provisions calculated to prevent any subjects of the allied kingdoms from serving in the English armies, it was declared that no truce was henceforth to be concluded, nor any treaty of peace agreed on, by either kingdom in which the other was not included; and that in the event of a competition at any time taking place for the crown, the King of France should maintain the right of that person who was approved by a majority

[1] Rotuli Scotiæ, vol. i. pp. 963, 965, 966, 967, 968. The evidence of the Rotuli Scotiæ contradicts the assertions of Bower, vol. ii. Fordun a Goodal, p. 383.

[2] Rotuli Scotiæ, vol. i. sub. annis 1372. 1373.

of the Scottish estates, and defend his title if attacked by England. Such was the treaty as it appears ratified by the Scottish king at Edinburgh on the 28th October 1371;[1] but at the same time certain secret articles were proposed, upon the part of France, of a still more decisive and hostile character. By these the French monarch engaged to persuade the Pope to annul the existing truce between England and Scotland; to pay and supply with arms a large body of Scottish knights; and to send to Scotland an auxiliary force of a thousand men-at-arms, to cooperate in a proposed invasion of England. These articles, however, which would again have plunged the kingdoms into all the horrors of war, do not appear to have been ratified by Robert.[2]

The other event to which I allude afforded an equally conclusive evidence of the concealed hostility of England. When Biggar, High Chamberlain of Scotland, repaired to Berwick to pay into the hands of the English commissioners a portion of the ransom which was still due, it was found that the English king, in his letters of discharge, had omitted to bestow his royal title on Robert. The chamberlain, and the Scottish lords who accompanied him, remonstrated in vain against this unexpected circumstance. They declared that they paid the ransom in the name and by the orders of their master the King of Scotland; and unless the discharge ran in the same style, it was null, and could not be received. Edward, however, continued obstinate: he replied that if David Bruce had been content to accept the discharge without the addition of the kingly title, there was no good reason why his successor should quarrel with it for this omission; and he drew up a deed declaring that the letter complained of was, in every respect, as full and unchallengeable as if Robert had been therein designed the King of Scotland.[3] With this the Scottish commissioners were obliged for the present to be satisfied; and having paid the sum under protest, they returned home, aware from what had passed, that however enfeebled by his continental disasters, Edward still clung to the idea that, in consequence of the resignation of Baliol, he himself possessed the title to the kingdom of Scotland, and might yet live to make it good.[4]

Notwithstanding these threatening appearances, the country continued for some years to enjoy the blessings of peace; and the interval was wisely occupied by the sovereign in providing for the security of the succession to the crown; in regulating the expenses of the royal household, by the advice of his privy council; in the enactment of wise and useful laws for the administration of justice, and the punishment of oppression. For these purposes, a parliament was held at Scone, on the 2d of March 1371, and another meeting of the estates took place in April 1373, in which many improvements were introduced, and some abuses corrected.[5] It seems at this period to have been customary for the lords of the king's council to avail themselves of the advice of private persons, who sat along with them in deliberation, although not elected to that office. This practice was now abolished. Sheriffs and other judges were prohibited from asking or receiving presents from litigants of any part of the sum or matter in dispute; several acts were passed relative to the punishment of murder, in its various degrees of criminality; ketherans, or masterful beggars, were declared not only liable to arrest, but, in case of resistance, to be slain on the spot; and all malversation by judges was pronounced cognisable by a jury, and punishable at the king's pleasure. These enactments point to a state of things in which it was evidently far

1 Records of the Parliament of Scotland, sub anno 1371, pp. 122, 124.
2 Ibid. sub anno 1371, p. 122.
3 Rotuli Scotiæ, vol. i. p. 953.
4 Records of the Parliament of Scotland, pp. 126, 127, sub anno 1372. Chamberlain Accounts, vol. ii. p. 3.
5 Ibid. p. 124. The parliament consisted of the dignified clergy, the earls, barons, and free tenants *in capite*, with certain burgesses summoned from each burgh.

easier to make laws than to carry them into execution.[1]

In the meantime, England was visited with two great calamities. Edward prince of Wales, commonly called the Black Prince, to the universal regret of the nation, and even of his enemies, died at Westminster; and his illustrious father, broken by the severity of the stroke, and worn out with the fatigues of war, survived him scarcely a year. Anxious for the tranquillity of his kingdom, it had been his earnest wish to conclude a peace with France; but even this was denied him; and he died on the 1st of June 1377, leaving the reins of government to fall into the hands of a boy of eleven years of age, the eldest son of the Black Prince, who was crowned at Westminster, on the 11th July 1377, by the title of Richard the Second. Edward the Third was a monarch deservedly beloved by his people, and distinguished for the wisdom and the happy union of firmness and lenity which marked his domestic administration; but his passion for conquest and military renown, which he gratified at an immense expense of money and of human life, whilst it served to throw that dangerous and fictitious splendour over his reign which is yet scarcely dissipated, was undoubtedly destructive of the best and highest interests of his kingdom. Nothing, indeed, could afford a more striking lesson on the vanity of foreign conquest, and the emptiness of human grandeur, than the circumstances in which he died: stript of the fairest provinces which had been the fruit of his victories, the survivor of his brave son and his best captains, and at last pillaged and deserted in his last moments by his faithless mistress and ungrateful domestics. His death delivered Scotland for the time from apprehension, and weakened in a great measure those causes of suspicion and distrust which have already been described.

But, although the action of these was suspended, there were other subjects of mutual irritation, which could not be so easily removed. The feudal system, which then existed in full vigour in Scotland, contained within itself materials the very reverse of pacific. The power of the barons had been decidedly increasing since the days of Robert the First; the right of private war was exercised by them in its full extent; and, on the slightest insult or injury offered to one of their vassals by the English wardens of the Border, they were ready to take the law into their own hands, and at the head of a force, which for the time defied all resistance, to invade the country, and inflict a dreadful vengeance. In this manner, the king was frequently drawn in to support, or at least to connive at, the atrocities of a subject too powerful for him to control or resist; and a spark of individual malice or private revenge would kindle those materials, which were ever ready to be inflamed, into the wide conflagration of a general war.

The truth of these remarks was soon shewn. At the fair of Roxburgh, a gentleman, belonging to the bedchamber of the Earl of March, was slain in a brawl by the English, who then held the castle in their hands. March, a grandson of the great Randolph, was one of the most powerful of the Scottish nobles. He instantly demanded redress, adding that, if it was not given, he would not continue to respect the truce; but his representation was treated with scorn, and, as the earl did not reply, it was imagined he had forgotten the affront. Time passed on, and the feast of St Laurence arrived, which was the season for the next fair to be held, when the town was again filled with the English, who, in unsuspicious security, had taken up their residence for the purposes of traffic or pleasure. Early in the morning, March, at the head of an armed force, surprised and stormed the town, set it on fire, and commenced

[1] Records of the Parliament of Scotland, pp. 124, 125, sub anno 1371. A parliament was held by Robert the Second at Scone, on the 3d of April 1373, of which an important document has been preserved, touching the succession to the crown. Ibid. sub anno 1373.

a pitiless slaughter of the English, sparing neither age nor infancy. Many who barricaded themselves in the booths and houses, were dragged into the streets and murdered, or met a more dreadful death in the flames; and the earl, at his leisure, drew off his followers, enriched with plunder, and glutted with revenge.[1]

This atrocious attack proved the commencement of a series of hostilities, which, although unauthorised by either government, were carried on with obstinate and systematic cruelty. The English borderers flew to arms, and broke in upon the lands of Sir John Gordon, one of March's principal assistants in the recent attack upon Roxburgh. Gordon, in return, having collected his vassals, invaded England, and carried away a large booty in cattle and prisoners; but, before he could cross the Border, was attacked in a mountain-pass by Sir John Lilburn, at the head of a body of knights and men-at-arms, double the number of the Scots. The skirmish was one of great obstinacy, and constituted what Froissart delights in describing as a fair point of arms, in which there were many empty saddles, and many torn and trampled banners; but, although grievously wounded, Gordon made good his retreat, took Lilburn prisoner, and secured his plunder.[2] This last insult called down the wrath of the English warden, Henry Percy, earl of Northumberland, who, loudly accusing the Scots of despising the truce, at the head of an army of seven thousand men, broke across the Border, and encamped near Dunse, with the design of laying waste the extensive possessions of the Earl of March, which were situated in that quarter. But this "Warden Raid," which involved such great preparations, ended in a very ridiculous manner. The great proportion of the English consisted of knights and men-at-arms, whose horses were picketed on the outside of the encampment, under the charge of the sutlers and camp-boys, whilst their masters slept on their arms in the centre. It was one of the injunctions of the good King Robert's testament, to alarm the encampments of the English

> "By wiles and wakening in the nycht,
> And meikil noise made on hycht;"[3]

and in this instance Percy suffered under its success. At the dead of night, his position was surrounded, not by an army, but by a multitude of the common serfs and varlets, who were armed only with the rattles which they used in driving away the wild beasts from their flocks; and such was the consternation produced amongst the horses and their keepers, by the sounding of the rattles, and the yells and shouting of the assailants, whose numbers were magnified by the darkness, that all was thrown into disorder. Hundreds of horses broke from the stakes to which they were picketed, and fled masterless over the country; numbers galloped into the encampment, and carried a panic amongst the knights, who stood to their arms, and every moment expected an attack: but no enemy appeared; and when morning broke, the Earl of Northumberland had the mortification to discover at once the ridiculous cause of the alarm, and to find that a great proportion of his best soldiers were unhorsed, and compelled, in their heavy armour, to find their way back to England. A retreat was ordered; and, after pillaging the lands of the Earl of March, the warden recrossed the Border.[4]

It was unfortunate that these infractions of the truce, which were decidedly injurious to the best interests of both countries, were not confined to the eastern marches. The Baron of Johnston, and his retainers and vassals, harassed the English on the western border;[5] while at sea, a Scottish naval adventurer, of great spirit and enterprise, named Mercer, infested the English shipping, and, at the head of a squadron of armed vessels, con-

[1] Fordun a Goodal, vol. ii. p. 384. Winton, vol. ii. p. 306. Walsingham, p. 198.
[2] Winton, vol. ii. p. 309.
[3] Fordun a Goodal, vol. ii. p. 232.
[4] Ibid. vol. i. p. 385. Winton, vol. ii. p. 309.
[5] Winton, vol. ii. p. 311.

sisting of Scottish, French, and Spanish privateers, scoured the channel, and took many rich prizes. The father of this bold depredator is said by Walsingham to have been a merchant of opulence, who resided in France, and was in high favour at the French court. During one of his voyages he had been taken by a Northumbrian cruiser, and carried into Scarborough;[1] in revenge of which insult, the son attacked this seaport, and plundered its shipping. Such was the inefficiency of the government of Richard, that no measures were taken against him; till at last Philpot, a wealthy London merchant, at his own expense fitted out an armament of several large ships of war, and attacking Mercer, entirely defeated him, took him prisoner, and captured his whole squadron, among which were fifteen Spanish vessels, and many rich prizes.[2]

It would be tedious and uninstructive to enter into any minute details of the insulated and unimportant hostilities which, without any precise object, continued for some years to agitate the two countries: committed during the continuance of a truce, which was publicly declared to be respected by both governments, they are to be regarded as the outbreakings of the spirit of national rivalry engendered by a long war, and the effects of that love of chivalrous adventure which was then at its height in Europe. The deep-laid plans of Edward the Third for the entire subjugation of Scotland were now at an end; the character of the government of Richard the Second, or rather of his uncles, into whose hands the management of the state had fallen, was, with regard to Scotland, decidedly just and pacific; and the wisest policy for that country would have been to have devoted her whole attention to the regulation of her internal government, to the recruiting of her finances, and the cultivation of those arts which form the true sources of the prosperity and greatness of a kingdom. Had the king been permitted to follow the bent of his own disposition, there is reason to think that these principles would have been adopted; but the nobility was still too powerful and independent for the individual character of the sovereign to have much influence; and the desire of plunder, and the passion for military adventure, rendered it impossible for such men to remain at peace.

Another cause increased these hostile feelings. Although the alliance with France was no longer essentially advantageous to Scotland, yet the continuance of the Scottish war was of importance to France in the circumstances in which that country was then placed, and no means were left unemployed to secure it. The consequence of all this was the perpetual infringement of the truce by hostile invasions, and the reiterated appointment of English and Scottish commissioners, who were empowered to hold courts on the Borders for the redress of grievances. These repeated Border raids, which drew after them no important results, are of little interest. They had the worst effect, as they tended greatly to increase the exasperation between the two countries, and to render more distant and hopeless the prospect of peace; and they become tedious when we are obliged to regard them as no longer the simultaneous efforts of a nation in defence of their independence, but the selfish and disjointed expeditions of an aristocracy whose principal objects were plunder and military adventure. It was in one of these that the castle of Berwick was stormed and taken by a small body of adventurers, led by Alexander Ramsay, who, when summoned by the Scottish and English wardens, proudly replied, "that he would give up his prize neither to the monarch of England nor of Scotland, but would keep it while he lived for the King of France." Some idea may be formed of the ignorance of the mode of attacking fortified towns in those days from the circumstance that

[1] Rotuli Scotiæ, vol. ii. p. 16. 20th June, 2 Rich. II.

[2] Walsingham, p. 211.

the handful of Scottish borderers, who were led by this intrepid soldier, defended the castle for some time against the Earl of Northumberland, at the head of ten thousand men, assisted by miners, mangonels, and all the machinery for carrying on a siege.[1]

It was in this siege that Henry Percy, afterwards so famous under the name of Hotspur, first became acquainted with arms; and a quarrel, which had begun in a private plundering adventure, ended in a more serious manner. After making himself master of Berwick, the Earl of Northumberland, along with the Earl of Nottingham, and Sir Thomas Musgrave, the governor of Berwick, invaded the southern parts of Scotland; and Sir Archibald Douglas, having under him a considerable force, had advanced against him, but being unable to cope with the army of Percy, he retired and awaited the result. As he had probably expected, Musgrave, who enjoyed a high reputation for military enterprise, pushed on to Melrose at the head of an advanced division, and suddenly on the march found himself in the presence of Douglas and the Scottish army,—a conflict became unavoidable, and it was conducted with much preparatory pomp and formality. Douglas called to him two sons of King Robert, who were then under his command, and knighted them on the field; Musgrave conferred the same honour on his son, and although he was greatly outnumbered by the Scots, trusting to the courage of his little band, who were mostly of high rank, and to the skill of the English archers, began the fight with high hopes. But after a short and desperate conflict, accompanied with a grievous slaughter, the English were defeated. It was the custom of Sir Archibald Douglas, as we learn from Froissart, when he found the fight becoming hot, to dismount, and attack the enemy with a large two-handed sword; and on this occasion, such was the fury of his assault that nothing could resist it.[2] Musgrave and his son, with many other knights and esquires, were taken prisoners; and Douglas, who felt himself unequal to oppose the main army of Percy and the Earl of Nottingham, fell back upon Edinburgh. The succeeding years were occupied in the same course of Border hostilities, whilst in England, to the miseries of invasion and plunder was added the calamity of a pestilence, which swept away multitudes of her inhabitants, and by weakening the power of resistance increased the cruelty of her enemy.[3]

At length John of Gaunt, the duke of Lancaster, who at this time directed the counsels of his nephew, Richard the Second, approached Scotland at the head of a powerful army, although he declared his object to be solely the renewal of the truce, and the establishment of peace and good order between the two countries. Sir Archibald Douglas, lord of Galloway, along with the Bishops of Dunkeld and Glasgow, and the Earls of Douglas and March, were immediately appointed commissioners to open a negotiation; and having consented to a cessation of hostilities, Lancaster disbanded his army, and agreed to meet the Scottish envoys in the following summer in a more pacific guise, at the head of his usual suite. The conference accordingly took place, and the Earl of Carrick, the heir of the throne, managed the negotiations on the part of Scotland, which concluded in an agreement to renew the truce for the space of three years, during which time the English monarch consented to delay the exaction of the remaining penalty of the ransom of David the Second, of which twenty-five thousand marks were still due.[4]

It was at this time that the famous popular insurrection, which was headed by Wat Tyler, had arrived at its height in England; and Lancaster, who was suspected of having given countenance to the insurgents, and

[1] Walsingham, p. 219. Froissart, par Buchon, vol. vii. pp. 44, 48.

[2] Froissart, par Buchon, vol. vii. p. 57.

[3] Rotuli Scotiæ, June 7, 2 Rich. II., and March 5, 5 Rich. II. vol. ii. pp. 16, 42.

[4] Rymer, vol. vii. p. 312.

who dreaded the violence of a party which had been formed against him, found himself in an awkward and perilous dilemma. He begged permission of the Earl of Carrick to be permitted to retreat for a short season into Scotland; and the request was not only granted, but accompanied with circumstances which marked the courtesy of the age. The Earl of Douglas, along with Sir Archibald Douglas, lord of Galloway, conducted him with a brilliant retinue to Haddington, from which they proceeded to Edinburgh, where the Abbey of Holyrood was fitted up for his reception. Gifts and presents were made to him by the Scottish nobles, and here he remained till the fury of the storm was abated, and he could return in safety, escorted by a convoy of eight hundred Scottish spears, to the court of his nephew.[1] This friendly conduct, and the desire of remaining at peace, which was felt by both monarchs, might have been expected to have averted hostilities for some time; yet such was the influence of a restless aristocracy, that previous to the expiry of this truce Scotland again consented to be involved in a negotiation with the French king, which eventually entailed upon the nation the calamities of a war, undertaken with no precise object, and carried on at an immense expense of blood and treasure.

The foundation of this new treaty appears to have been those secret articles regarding an invasion of England, which have been already mentioned. A prospect of the large sum of forty thousand franks of gold, to be distributed amongst the Scottish nobles, and an engagement to send into Scotland a body of a thousand men-at-arms, with a supply of a thousand suits of armour, formed a temptation which could not easily be resisted; and although no definite agreement was concluded, it became evident to England that her enemy had abandoned all pacific intentions.[2]

When the truce expired, the war was renewed with increased rancour. Lochmaben, a strong castle, which had been long in the hands of the English, was taken by Sir Archibald Douglas;[3] and the Duke of Lancaster invaded Scotland at the head of a numerous army, and accompanied by a fleet of victualling ships, which anchored in the Forth near Queensferry. But the expedition was singularly unfortunate. Although it was now the month of March, the Scottish winter had not concluded, and the cold was intense. Lancaster, after exhausting the English northern counties in the support of his host, pushed on to Edinburgh, which his knights and captains were eager to sack and destroy. In this, however, they were disappointed; for the English commander, mindful of the generous hospitality which he had lately experienced, commanded the army to encamp at a distance from the town, and issued the strictest orders that none should leave the ranks. For three days parties of the Scots could be seen carrying off everything that was valuable, and transporting their goods and chattels beyond the Forth. Numbers of the English soldiers, in the meantime, began to be seized with sickness, occasioned by exhalations from the marches; and within a short time, five hundred horses died of cold. When at length permitted to advance to Edinburgh, the soldiers, as was to be expected, found nothing to supply their urgent wants: the Scots had even carried off the straw roofs of their wooden houses; and having retreated into the woods and strongholds, quietly awaited the retreat of the English; and began their usual mode of warfare, by cutting off the foraging parties which, disregarding the orders of Lancaster, were compelled, by the calls of hunger, to leave the encampment.[4] In the meantime, Sir Alexander Lindsay had attacked and put to the sword the crew of one of the English ships which had made good a landing on the ground above Queensferry; and

[1] Winton, vol. ii. pp. 315, 316.

[2] Records of the Parliament of Scotland, sub anno 1383, p. 131.

[3] Winton, vol. ii. p. 317.

[4] Walsingham, pp. 308, 309.

the King of Scotland had issued orders to assemble an army, for the purpose of intercepting Lancaster in his retreat to England.

At this crisis, ambassadors arrived from France, to notify the truce lately concluded between that country and England; whilst, at the same time, in the spirit of military adventure, then so prevalent, a party of French knights and esquires, tired of being idle at home, took shipping for Scotland, and, on their arrival at Edinburgh, found the Scottish parliament deliberating on the propriety of prosecuting the war. The king and the nobles were divided in their opinion. Robert, with true wisdom, and a desire to promote the best interests of his people, desired peace; and whilst he received the French knights with kindness and courtesy, commanded them and his nobles to lay aside all thoughts of hostilities. Meanwhile Lancaster had profited by the interval allowed him, and made good his retreat; which was accompanied, as usual in these expeditions, with the total devastation of the country through which he passed, and the plunder of the immense estates of the Border earls. To them, and to the rest of the nobility, the king's proposal was particularly unsatisfactory; nor are we to wonder that when their fields and woods, their manors and villages, were still blackened with the fires of the English, and their foot had been in the stirrup to pursue them, the counter order of the king, and the message of the French envoys regarding the truce, came rather unseasonably.

These, however, were not the days when Scottish barons, having resolved upon war, stood upon much ceremony, either as to the existence of a truce, or the commands of a sovereign. It was, accordingly, privately determined by the Earls of Mar and Douglas, along with Sir Archibald, the lord of Galloway, that the foreign knights who had travelled so far to prove their chivalry should not be disappointed, and after a short stay at Edinburgh they were surprised by receiving a secret message from Douglas requiring them to repair to his castle at Dalkeith, where they were warmly welcomed; and, again taking horse, found themselves, in three days' riding, in the presence of an army of fifteen thousand men, mounted on active hackneys, and lightly armed after the fashion of their country.[1] With this force they instantly broke into the northern counties of England; wasted the towns and villages with fire and sword; wreaked their vengeance upon the estates of the Earls of Northumberland and Nottingham; and returned with a large booty in prisoners and cattle. We learn from Froissart, that the King of Scotland was ignorant of this infraction of the truce; and in much concern immediately despatched a herald to explain the circumstances to the English court.[2] But it is more probable that, knowing of the intended expedition, he was unable to prevent it. However this might be, its consequences were calamitous; for, as usual, it brought an instantaneous retaliation upon the part of the Earl of Northumberland; and the French knights, on their return to their own country, spoke so highly in favour of the pleasures of a Scottish "raid," and the facilities offered to an attack upon England in this quarter, that the King of France began to think seriously of carrying the projected treaty, to which we have already alluded, into immediate execution, and of sending an army into Scotland.

An interval, which cannot be said to belong either to peace or to war, succeeded these events, and offers little of general interest: the Border inroads being continued with equal and unvaried cruelty; but in a meeting of the parliament, which took place at Edinburgh, a few provisions were passed regarding the state of the country, which are not unworthy of

[1] Froissart, vol. ix. p. 27. Walsingham, p. 309. About this time, the remaining part of Teviotdale, which, since the battle of Durham, had been in the hands of the English, was recovered by the exertions of the Earl of Douglas. Winton, vol. ii. p. 322.

[2] Froissart, par Buchon, vol. ix. p. 28. Rotuli Scotiæ, vol. ii. 1385, p. 63.

notice.[1] It was determined that those greater and lesser barons to whom the sovereign, in the event of war, had committed certain divisions of the kingdom should have their array of men-at-arms and archers in such readiness, that, as soon as required, they should be ready to pass to the Borders in warlike apparel, with horse, arms, and provisions; so that the lands through which the host marched should not be wasted by their exactions.

It appears that grievous injury had been suffered, owing to the total want of all law and justice in the northern districts of the kingdom. Troops of feudal robbers, chiefs who lived by plunder, and owned no allegiance either to king or earl, traversed the Highland districts, and enlisted into their service malefactors and *ketherans*, who, without respect to rank or authority, burnt, slew, and plundered, wherever their master chose to lead. This dreadful state of things called for immediate attention; and to the Earl of Carrick, the heir to the throne, was the arduous affair intrusted. He was commanded to repair instantly to the disordered districts, at the head of a force which might insure obedience; to call a meeting of the wisest landholders of these northern parts; and, having taken their advice, to adopt such speedy measures as should strike terror into the guilty, and restore order and good government throughout the land.[2]

The large district of Teviotdale, which had long been in the possession of the English, having been now cleared of these intruders and restored to the kingdom by the arms of the Earl of Douglas, it became necessary to adopt measures for the restoration of their lands to those proprietors who had been expelled from them during the occupation of the country by the enemy. It was ordered that all persons in Teviotdale who had lately transferred their allegiance from the King of England to the King of Scotland should, within eight days, exhibit to the Chancellor their charters, containing the names of the lands and possessions which they claimed as their hereditary right, wherever they happened to be situated; along with the names of those persons who now possessed them, and of the sheriffdoms within whose jurisdiction they were situated. The object of this was to enable all those persons who, on the part of the claimants in Teviotdale, were about to receive letters of summons from the Chancellor, to present their letters with such diligence to the sheriffs, as to enable these officers within eight days to expedite the proper citations. It was, besides, ordained that the Chancellor should direct the king's letters to the various sheriffs, commanding them to summon all persons who then held or asserted their right to hold any lands, to appear before the king and council, bringing with them their charters and title-deeds, that they might hear the final decision on the subject.[3]

The next provision of the parliament introduces us to a case of feudal oppression, strikingly characteristic of the times, and evinces how feeble and impotent was the arm of the law against the power of the aristocracy. William de Fentoun complained that he had been unjustly expelled from his manor of Fentoun by a judgment pronounced in the court of the Baron of Dirleton. He immediately appealed to the Sheriff of Edinburgh, and was restored. Again was he violently thrust out: upon which he carried his cause before the king's privy council, and by their solemn award his lands were once more restored. In the face of this last decision by the sovereign and his council, this unfortunate person continued to be excluded from his property by the Baron of Dirleton, who, against all law, violently kept him down; so that he was compelled, in extreme distress, to appeal to the parliament. This case of reiterated tyranny and oppres-

[1] Records of the Parliament of Scotland, sub anno 1385, p. 133.

[2] Cartulary of Aberdeen, Advoc. Library, pp. 104, 105.

[3] Records of the Parliament of Scotland, sub anno 1385, p. 133.

sion having been proved by the evidence of the sheriff, it was resolved that Fentoun, without delay, should be reinstated by the royal power, and that the rents due since the period of his expulsion should be instantly restored to him. Whether this final judgment by the court of last resort was more successful than the former sentences against this feudal tyrant, cannot now be discovered; but it is very possible that Fentoun never recovered his property. The remaining provisions of the parliament are of little moment, and relate chiefly to the amicable arrangement of some disputes which had arisen between the Earls of Buchan and of Strathern, both of them sons of the king.

An event of great interest and importance now claims our attention, in the expedition of John de Vienne, the admiral of France, into Scotland. It is one of the miserable consequences of war and the passion for conquest that they almost indefinitely perpetuate the evils which they originally produce. A nation once unjustly attacked, and for a time treated as a conquered people, is not satisfied with the mere defence of its rights, or the simple expulsion of its invaders: wounded pride, hatred, the desire of revenge, the love of plunder, or of glory, all provoke retaliation; and man delights to inflict upon his enemy the extremity of misery from which he has just escaped himself. France accordingly began to ponder upon the best mode of carrying the war into England; and the representations of the knights who had served in the late expedition of Douglas had a strong effect in recommending an invasion through Scotland. They remarked that the English did not fight so well in their own country as on the continent;[1] and without adverting to the true cause of Douglas's success in the skill with which he seized the moment when Lancaster's army had dispersed, and his rapid retreat before the English wardens could assemble their forces, they contrasted the obstinacy with which the English disputed every inch of ground in France with the facility with which they themselves had been permitted to march and plunder in England.

It was accordingly determined to fulfil the stipulations of the last treaty, and to attack the English king upon his own ground, by sending a large body of auxiliaries into Scotland, and co-operating with that nation in an invasion. For this purpose they selected John de Vienne, admiral of France, and one of the most experienced captains of the age, who embarked at Sluys, in Flanders, with a thousand knights, esquires, and men-at-arms, forming the flower of the French army, besides a body of cross-bowmen and common soldiers, composing altogether a force of two thousand men. He carried along with him fourteen hundred suits of armour for the Scottish knights, and fifty thousand franks of gold,[2] to be paid on his arrival to the king and his barons. It was determined to attack England at the same time by sea; and a naval armament for this purpose had been prepared at a great expense by the French. But this part of the project was unsuccessful, and the fleet never sailed.

Meanwhile all seemed to favour the expedition of Vienne. The wind was fair, the weather favourable—for it was in the month of May—and the transports, gleaming with their splendid freight of chivalry, and gay with innumerable banners, were soon wafted to the Scottish coast, and cast anchor in the ports of Leith and Dunbar. They were warmly welcomed by the Scottish barons: and the sight of the suits of foreign armour, then highly prized, with the promise of a liberal distribution of the French gold, could not fail to make a favourable impression.[3] On the arrival of the admiral

[1] Froissart, par Buchon, vol. ix. p. 162.

[2] Winton, vol. ii. p. 324. He says there were eight hundred knights, of which number a hundred and four were knights-bannerets; and besides this, four hundred arblasts or crossbows.

[3] The proportion in which the French money was distributed amongst the Scottish nobles gives us a pretty correct idea of the comparative consequence and power of the various members of the Scottish aristocracy. See Rymer, vol. vii. pp. 484, 485.

at Edinburgh, he found that the king was then residing in the district which Froissart denominates the wild of Scotland,—meaning, perhaps, his palace of Stirling, which is on the borders of a mountainous country. His speedy arrival, however, was looked for; and till then the Earls of Moray and Douglas took charge of the strangers. To provide lodgings for them all in Edinburgh was impossible; and in the efforts made to house their fastidious allies, who had been accustomed to the hotels of Paris, we are presented with a striking picture of the poverty of this capital, when contrasted with the wealth and magnitude of the French towns. It became necessary to furnish quarters for the knights in the adjacent villages; and the necessity of billeting such splendid guests upon the burgesses, farmers, and yeomen occasioned loud and grievous murmurs. Dunfermline, Queensferry, Kelso, Dunbar, Dalkeith, and many other towns and villages not mentioned by Froissart, were filled with strangers speaking a foreign language, appropriating to themselves without ceremony the best of everything they saw, and assuming an air of superiority which the Scots could not easily tolerate. Mutual dissatisfaction and hatred naturally arose; and although the Earls of Douglas and Moray, who were well contented with an expedition which promised them the money of France as well as the plunder of England, continued to treat the French with kindness and courtesy, the people and the lesser barons began to quarrel with the intruders, and to adopt every method for their distress and annoyance. All this is feelingly described by the delightful and garrulous historian of the period:—"What evil spirit hath brought you here? was," he tells us, "the common expression employed by the Scots to their allies. Who sent for you? Cannot we maintain our war with England well enough without your help? Pack up your goods and begone; for no good will be done as long as ye are here! We neither understand you nor you us. We cannot communicate together, and in a short time we shall be completely rifled and eaten up by such troops of locusts. What signifies a war with England? the English never occasioned such mischief as ye do. They burned our houses, it is true; but that was all: and with four or five stakes, and plenty green boughs to cover them, they were rebuilt almost as soon as they were destroyed." It was not, however, in words only that the French were thus ill-treated. The Scottish peasants rose against the foraging parties, and cut them off. In a month more than a hundred men were slain in this manner, and, at last, none ventured to leave their quarters.[1]

At length the king arrived at Edinburgh, and a council was held by the knights and barons of both nations, on the subject of an immediate invasion of England. And here new disputes and heartburnings arose. It was soon discovered that Robert was averse to war. "He was," says Froissart, whose information regarding this expedition is in a high degree minute and curious, "a comely tall man, but with eyes so bloodshot that they looked as if they were lined with scarlet; and it soon became evident that he himself preferred a quiet life to war; yet he had nine sons who loved arms." The arguments of his barons, joined to the remonstrances of Vienne, and the distribution of the French gold, in the end overcame the repugnance of the king; and the admiral had soon the satisfaction of seeing an army of thirty thousand horse assembled in the fields near Edinburgh.

Unaccustomed, however, to the Scottish mode of carrying on war, and already disposed to quarrel on account of the injuries they had met with, the French were far from cordially co-operating with their allies; so that it was found necessary to hold a council of officers, and to draw up certain regulations for the maintenance of order during the expedition, which were to be equally binding upon the soldiers of both nations. Some of

[1] Froissart, par Buchon, vol. ix. pp. 155 157.

these articles are curious and characteristic:—No pillage was permitted in Scotland under pain of death; the merchants and victuallers who followed or might resort to the camp were to be protected and have prompt payment; any soldier who killed another was to be hanged; if any varlet defied a gentleman, he was to lose his ears; and if any gentleman challenged another he was to be put under arrest and justice done according to the advice of the officers. In the case of any riot arising between the French and the Scots, no appeal to arms was to be permitted; but care was to be taken to arrest the ringleaders, who were to be punished by the council of the officers. When riding against the enemy, if a French or a Scottish man-at-arms should bear an Englishman to the earth, he was to have half his ransom; no burning of churches, ravishing or slaughter of women or infants, was to be suffered; and every French and Scottish soldier was to wear a white St Andrew's cross on his back and breast; which, if his surcoat or jacket was white, was to be embroidered on a division of black cloth.[1]

It being now time to commence the campaign, the army broke at once across the marches, and after a destructive progress appeared before the castle of Roxburgh. The king's sons, along with De Vienne, the admiral, and the Earls of Douglas, Mar, Moray, and Sutherland, were the Scottish leaders; but Robert himself, unwieldy from his age, remained at Edinburgh. Roxburgh castle, strong in its fortifications and excellently situated for defence, offered little temptation to a siege. For many months it might have been able to defy the most obstinate attacks of the united powers of France and Scotland; and all idea of making themselves masters of it being abandoned, the army pushed on towards Berwick, and with difficulty carried by assault the two smaller fortalices of Ford and Cornal, which were bravely defended by an English knight and his son.[2] Wark, one of the strongest Border castles, commanded by Sir John Lusborn, was next assaulted; and after a severe loss stormed and taken chiefly, if we may believe Froissart, by the bravery of the French; whilst the country was miserably wasted by fire and sword, and the plunder and the prisoners slowly driven after the host, which advanced by Alnwick, and carried their ravages to the gates of Newcastle. Word was now brought that the Duke of Lancaster and the barons of the bishoprics of York and Durham, with the Earls of Northumberland and Nottingham, had collected a powerful force, and were advancing by forced marches to meet the enemy; and here it became necessary for the captains of the different divisions to deliberate whether they should await them where they were and hazard a battle, or fall back upon their own country. This last measure the Scots naturally preferred. It was their usual mode of proceeding to avoid all great battles; and the result of the war of liberty had shewn the wisdom of the practice. Indeed, outnumbered as they always were by the English, and far inferior to them in cavalry, in archers, in the strength of their horses and the temper of their arms, it would have been folly to have attempted it. But Vienne, one of the best and proudest soldiers in Europe, could not enter into this reasoning. He and his splendid column of knights, squires, and archers were anxious for battle; and it was with infinite reluctance that he suffered himself to be over-persuaded by the veteran experience of Douglas and Moray, and consented to fall back upon Berwick.

In the meantime the King of England assembled an army more potent in numbers and equipment than any which had visited Scotland for a long period. It was the first field of the young monarch; and his barons, eager to demonstrate their loyalty, attended with so full a muster, that, according to a contemporary English historian, three hundred thousand horses were

[1] Records of the Parliament of Scotland, sub anno 1385, pp. 135, 136.

[2] Winton, vol. ii. p. 324.

employed.[1] The unequal terms upon which a richer and a poorer country make war on each other were never more strikingly evinced than in the result of these English and Scottish expeditions. The Scots, breaking in upon the rich fields of England, mounted on their hardy little hackneys, which lived on so little in their own country that any change was for the better; carrying nothing with them but their arms; inured to all weathers and fearlessly familiar with danger, found war a pastime rather than an inconvenience; enriched themselves with plunder, which they transported with wonderful expedition from place to place, and at last safely landed it at home. Intimately acquainted with the seat of war, on the approach of the English, they could accept or decline battle as they thought best; if outnumbered, as was generally the case, they retired, and contented themselves with cutting off the convoys or foraging parties and securing their booty; if the English, from want of provisions or discontent and disunion amongst the leaders, commenced their retreat, it was infested by their unwearied enemy, who instantly pushed forward, and hovering round their line of march, never failed to do them serious mischief. On the other hand, the very strength and warlike and complicated equipment of the English army proved its ruin, or at least totally defeated its object; and this was soon seen in the result of Richard's invasion. The immense mass of his host slowly proceeded through the Border counties by Liddesdale and Teviotdale,[2] devouring all as they passed on, and leaving behind them a black desert. In no place did they meet an enemy; the Scots had stript the country of everything but the green crops on the ground; and empty villages which were given to the flames, and churches and monasteries razed and plundered, formed the only triumphs of the campaign.

One event, however, is too characteristic to be omitted. When the news of this great expedition reached the camp of Douglas and Vienne, who had fallen back towards Berwick, the Scots, although aware of the folly of attempting to give battle, yet deemed it prudent to approach nearer, and watch the progress of their enemy. Here, again, the impatient temper of the French commander broke out, and he insisted that their united strength was equal to meet the English, on which the Earl of Douglas requested him to ride with him to a neighbouring eminence, and reason the matter as they went. The admiral consented, and was surprised when they arrived there to hear the tramp of horse and the sound of martial music. Douglas had, in truth, brought him to a height which hung over a winding mountain pass, through which the English army were at that moment defiling, and from whence, without the fear of discovery, they could count the banners and perceive its strength. The argument thus presented was not to be questioned, and Vienne, with his knights, permitted themselves to be directed by the superior knowledge and military skill of the Scottish leaders.[3]

Meanwhile, King Richard pushed on to the capital. The beautiful Abbeys of Melrose and Dryburgh were given to the flames; Edinburgh was burned and plundered, and nothing spared but the Monastery of Holyrood. It had lately, as we have seen, afforded a retreat to John of Gaunt, the king's uncle, who now accompanied him, and, at his earnest entreaty, was excepted from the general ruin. But the formidable expedition of the king was here concluded, and that unwise and selfish spirit of revenge and destruction, which had wasted the country, began to recoil upon the heads of its authors.[4] Multitudes perished

Walsingham, pp. 316, 537. Otterburn, p. 161.

[2] In the Archæologia, vol. xxii. part i. p. 13, will be found an interesting paper, describing the army of Richard and its leaders, printed from a MS. in the British Museum, and communicated by Sir Harris Nicolas.

[3] Froissart, par Buchon, vol. ix. p. 144.

[4] Froissart, vol. ix. p. 147, asserts that the English burnt St Johnston, Dundee, and pushed on as far as Aberdeen; but I have followed Walsingham and Fordun, who give the account of their ravages as it is found in the text.

from want, and provisions became daily more scarce in the camp. In such circumstances, the Duke of Lancaster advised that they should pass the Forth, and, imitating the example of Edward the First, attack and overwhelm the northern counties. But Richard, who scrupled not to accuse his uncle of treasonable motives, in proposing so desperate a project, which was, in truth, likely to increase the difficulties of their situation, resolved to retreat instantly by the same route which he had already travelled.

Before this, however, could be effected, the Scottish army, with their French auxiliaries, broke into England by the western marches; and, uniting their forces with those of Sir Archibald Douglas, lord of Galloway, ravaged Cumberland with a severity which was increased by the accounts of the havoc committed by the English. Towns, villages, manors, and hamlets were indiscriminately plundered and razed to the ground; crowds of prisoners, herds of cattle, waggons and sumpter-horses, laden with the wealth of burghers and yeomen, were driven along; and the parks and pleasure grounds of the Earls of Nottingham and Stafford, of the Mowbrays, the Musgraves, and other Border barons, swept of their wealth, and plundered with a merciless cruelty, which increased to the highest pitch the animosity between the two nations, and rendered the prospect of peace remote and almost hopeless. After this destruction, the united armies made an unsuccessful assault upon the city of Carlisle,[1] the fortifications of which withstood their utmost efforts; and upon this repulse, which seems to have renewed the heartburning between the French and Scots, they again crosse the Border, the French boasting that they had burnt, destroyed, and plundered more in the bishoprics of Durham and Carlisle than was to be found in all the towns of Scotland put together.[2]

[1] Winton, vol. ii. p. 325, affirms they would not assault Carlisle, for "thai dred tynsale of men."

When the army reached their former quarters, and proceeded to encamp in Edinburgh and the adjacent country, an extraordinary scene presented itself. The land, so late a solitary desert, was in a few hours alive with multitudes of the Scots, who emerged from the woods and mountain passes, driving their flocks and cattle before them, accompanied by their wives and children, and returning with their chattels and furniture to the burnt and blackened houses which they had abandoned to the enemy. The cheerfulness with which they bore these calamities, and set themselves to repair the havoc which had been committed, appears to have astonished their refined allies; but the presence of two thousand Frenchmen, and the difficulty of finding them provisions, was an additional evil which they were not prepared to bear so easily; and when the Admiral of France, to lighten the burden, abandoned his design of a second invasion of England, and permitted as many as chose to embark for France, the Scots refused to furnish transports, or to allow a single vessel to leave their ports, until the French knights had paid them for the injuries they had inflicted by riding through their country, trampling and destroying their crops, cutting down their woods to build lodgings, and plundering their markets. To these conditions Vienne was compelled to listen; indeed, such was the miserable condition in which the campaign had left his knights and men-at-arms, who were now for the most part unhorsed, and dispirited by sickness and privation, that to have provoked the Scots might have led to serious consequences. He agreed, therefore, to discharge the claims of damage and reparation which were made against his soldiers; and for himself came under an obligation not to leave the country till they were fully satisfied, his knights being permitted to return home.

These stipulations were strictly fulfilled. Ships were furnished by the

[2] Fordun a Goodal, vol. ii. p. 401. Froissart, par Buchon, vol. ix. p. 155.

Scots, and, to use the expressive language of Froissart, "divers knights and squires had passage, and returned into Flanders, as wind and weather drove them, with neither horse nor harness, right poor and feeble, cursing the day that ever they came upon such an adventure; and fervently desiring that the Kings of France and England would conclude a peace for a year or two, were it only to have the satisfaction of uniting their armies, and utterly destroying the realm of Scotland." Some knights who were fond of adventure, and little anxious to return to France in so miserable a condition, passed on to Denmark, Norway, and Sweden; others took shipping for Ireland, desirous of visiting the famous cavern known by the name of the purgatory of St Patrick;[1] and Vienne himself, after having corresponded with his government, and discharged the claims which were brought against him, took leave of the king and nobles of Scotland, and returned to Paris.

Such was the issue of an expedition fitted out by France at an immense expense, and which, from being hastily undertaken, and only partially executed, concluded in vexation and disappointment. Had the naval armament which was to have attacked England on the south been able to effect a descent, and had the Constable of France, according to the original intention, co-operated with Vienne, at the head of a large body of Genoese cross-bowmen and men-at-arms,[2] the result might perhaps have been different; but the great causes of failure are to be traced to the impossibility of reconciling two systems of military operations so perfectly distinct as those of the Scots and the French, and of supporting for any length of time, in so poor a country as Scotland, such a force as was able to offer battle to the English with any fair prospect of success. One good effect resulted from the experience gained in this campaign. It convinced the Scots of the superior excellence of their own tactics, which consisted in employing their light cavalry solely in plunder, or in attacks upon the archers when they were forced to fight, and in opposing to the heavy-armed cavalry of the English their infantry alone, with their firm squares and long spears. It also taught them that any foreign auxiliary force of the heavy-armed cavalry of the continent was of infinitely greater encumbrance than assistance in their wars with England, as they must either be too small to produce any effect against the overwhelming armies of that country, or too numerous to be supported, without occasioning severe distress.

Upon the departure of the French, the war continued with great spirit; and from the imbecility of the government of Richard the Second, a feeble opposition was made against the successes of the Scots. The systematic manner in which their invasions were conducted is apparent from the plan and details of that which immediately succeeded the expedition of Vienne. It was remembered by the Scottish leaders that in the general devastation which had been lately inflicted upon the English Border counties that portion of Cumberland, including the rich and fertile district of Cockermouth and the adjacent country, had not been visited since the days of Robert Bruce; and it was judged proper to put an end to this exemption. Robert, earl of Fife, the king's second son, James, earl of Douglas, and Sir Archibald Douglas, lord of Galloway, at the head of thirty thousand light troops, passed the Solway, and for three days[3] plundered and laid waste the whole of this beautiful district; so that, to use the expression of Fordun, the feeblest in the Scottish host had his hands full: nor do they appear to have met with the slightest opposition. A singular and characteristic anecdote of this expedition is

[1] See Rymer, Fœdera, vol. viii. p. 14.
[2] Froissart, par Buchon, vol. ix. p. 162.

[3] Fordun a Goodal, vol. ii. p. 403. "Exercitum caute et quasi imperceptibiliter ducebat usque ad Cokirmouth, . . . per terram a diebus Domin Roberti de Bruce regis a Scotis non invasam."

preserved by this historian. Amid the plunder an ancient Saxon charter of King Athelstane, with a waxen seal appended to it, was picked up by some of the soldiers, and carried to the Earl of Fife, afterwards the celebrated Regent Albany. Its lucid brevity astonished the feudal baron:—"I, King Adelstane, giffys here to Paulan, Oddam and Roddam, als gude and als fair, as ever thai myn war; and thairto witnes Mald my wyf." Often, says the historian, after the Earl became Duke of Albany and Governor of Scotland, when the tedious and wordy charters of our modern days were recited in the causes which came before him, he would recall to memory this little letter of King Athelstane, and declare there was more truth and good faith in those old times than now, when the new race of lawyers had brought in such frivolous exceptions and studied prolixity of forms.[1] It is singular to meet with a protestation against the unnecessary multiplication of words and clauses in legal deeds at so remote a period.

At the time of this invasion, another enterprise took place, which nearly proved fatal to its authors: a descent upon Ireland by Sir William Douglas, the natural son of Sir Archibald of Galloway, commonly called the Black Douglas. This young knight appears to have been the Scottish Paladin of those days of chivalry. His form and strength were almost gigantic; and what gave a peculiar charm to his warlike prowess was the extreme gentleness of his manners: sweet, brave, and generous, he was as faithful to his friends as he was terrible to his enemies. These qualities had gained him the hand of the king's daughter Egidia: a lady of such beauty, that the King of France is said to have fallen in love with her from the description of some of his courtiers, and to have privately despatched a painter into Scotland to bring him her picture; when he found, to his disappointment, that the princess had disposed of her heart in her own country.[2]

At this time the piracies of the Irish on the coast of Galloway provoked the resentment of Douglas, who, at the head of five hundred lances, made a descent upon the Irish coast at Carlingford, and immediately assaulted the town with only a part of his force, finding it difficult to procure small boats to land the whole. Before, however, he had made himself master of the outworks, the citizens, by the promise of a large sum of money, procured an armistice; after which, under cover of night, they despatched a messenger to Dundalk for assistance, who represented the small number of the Scots, and the facility of overpowering them. Douglas, in the meantime, of an honest and unsuspicious temper, had retired to the shore, and was busied in superintending the lading of his vessels, when he discerned the approach of the English, and had scarce time to form his little phalanx, before he was attacked not only by them but by a sally from the town. Yet this treacherous conduct was entirely unsuccessful: although greatly outnumbered, such was the superior discipline and skill of the Scots, that every effort failed to pierce their columns, and they at length succeeded in totally dispersing the enemy; after which the town was burnt to the ground, the castle and its works demolished, and fifteen merchant ships, which lay at anchor, laden with goods, seized by the victors.[3] They then set sail for Scotland, ravaged the Isle of Man as they returned, and landed safely at Lochryan in Galloway; from which Douglas took horse and joined his father, who, with the Earl of Fife, had broken across the Border, and was then engaged in an expedition against the western districts of England.

The origin of this invasion requires particular notice, as it led to important results, and terminated in the

[1] Fordun a Goodal, vol. ii. p. 403.

[2] Fordun a Goodal, vol. ii. p. 403.

[3] Fordun a Hearne, pp. 1073, 1074. Winton, vol. ii. pp. 335, 336.

celebrated battle of Otterburn. The Scots had not forgotten the miserable havoc which was inflicted upon the country by the late expedition of the King of England; and as this country was now torn by disputes between the weak monarch and his nobility, it was deemed a proper juncture to retaliate. To decide upon this, a council was held at Edinburgh. The king was now infirm from age, and wisely anxious for peace; but his wishes were overruled, and the management of the campaign intrusted by the nobles to his second son, the Earl of Fife, upon whom the hopes of the warlike part of the nation chiefly rested, his elder brother, the Earl of Carrick, who was next heir to the crown, being of a feeble constitution, and little able to endure the fatigues of the field. It was resolved that there should be a general muster of the whole military force of the kingdom at Jedburgh, preparatory to an invasion, upon a scale likely to insure an ample retribution for their losses.[1]

The rumour of this great summons of the vassals of the crown soon reached England; and the barons, to whom the care of the Borders was committed, began to muster their feudal services, and to prepare for resistance. On the day appointed, the Scots assembled at Yetholm, a small town not far from Jedburgh, and situated at the foot of the Cheviot Hills. A more powerful army had not been seen for a long period. There were twelve hundred men-at-arms and forty thousand infantry, including a small body of archers, a species of military force in which the Scots were still little skilled, when compared with the formidable power of the English bowmen. It was now necessary to determine in what manner the war should begin, and upon what part of the country its fury should first be let loose; and, when the leaders were deliberating upon this, a prisoner was taken and carried to head-quarters, who proved to be an English gentleman, despatched by the Border lords for the purpose of collecting information. From him they understood that the wardens of the marches did not deem themselves strong enough at that time to offer battle, but that, having collected their power, they had determined to remain quiet till it was seen in what direction the Scottish invasion was to take place, and then to make a counter expedition into Scotland; thus avoiding all chance of being attacked, and retaliating upon the Scots by a system of simultaneous havoc and plunder.

Upon receiving this information, which proved to be correct, the Earl of Fife determined to separate his force into two divisions, and for the purpose of frustrating the designs of the English, to invade the country both by the western and eastern marches. He himself, accordingly, with Archibald, lord of Galloway, and the Earls of Sutherland, Menteith, Mar, and Strathern, at the head of a large force, being nearly two-thirds of the whole army, began their march through Liddesdale, and passing the borders of Galloway, advanced towards Carlisle. The second division was chiefly intended to divert the attention of the English from opposing the main body of the Scots; it consisted of three hundred knights and men-at-arms, and two thousand foot, besides some light-armed prickers and camp-followers,[2] and was placed under the command of the Earl of Douglas, a young soldier, who, from his boyhood, had been trained to war by his father, and who possessed the hereditary valour and military talent of the family. Along with him went the Earls of March and Moray; Sir James Lindsay, Sir Alexander Ramsay, and Sir John St Clair, three soldiers of great experience; Sir Patrick Hepburn with his two sons, Sir John Haliburton, Sir John Maxwell, Sir Alexander Fraser, Sir Adam Glendinning, Sir David Fleming, Sir Thomas Erskine, and many other knights and squires.

With this small army, the Earl of

[1] Froissart, par Buchon, vol. xi. p. 368.

[2] Winton, vol. ii. p. 337, gives a much higher number; but we may here trust rather to Froissart, who affirms that he had no more than "three hundred men-at-arms, and two thousand infantry."

Douglas pushed rapidly on through Northumberland, having given strict orders that not a house should be burnt or plundered till they reached the bishopric of Durham. Such was the silence and celerity of the march, that he crossed the Tyne near Branspeth, and was not discovered by the Enlgish garrisons to be in the heart of this rich nd populous district until the smoke of the flaming villages, and the terror of the people, carried the first news of his arrival to the city of Durham. Nor did the English dare at present to oppose him, imagining his force to be the advanced guard of the main army of the Scots: a natural supposition, for the capture of their spy had left them in ignorance of the real designs of the enemy. Douglas, therefore, plundered without meeting an enemy; whilst Sir Henry Percy, better known by his name of Hotspur, and his brother Ralph, the two sons of the Earl of Northumberland, along with the Seneschal of York, the Captain of Berwick, Sir Mathew Redman, Sir Ralph Mowbray, Sir John Felton, Sir Thomas Grey, and numerous other Border barons, kept themselves, with their whole power, within the barriers of Newcastle,[1] and the Earl of Northumberland collected his strength at Alnwick.

Meanwhile, having wasted the country as far as the gates of Durham, the Scottish leaders returned to Newcastle with a rapidity equal to their advance, and in the spirit of the times, determined to tarry there two days, and try the courage of the English knights. The names of Percy and of Douglas were at this time famous: Hotspur having the reputation of one of the bravest soldiers in England, and the Earl of Douglas, although his younger in years, being little inferior in the estimation in which his military prowess was held amongst his countrymen. In the skirmishes which took place at the barriers of the town, it happened that these celebrated soldiers came to be personally opposed to each other; and after an obstinate contest, Douglas won the pennon of the English leader, and boasted aloud, before the knights who were present, that he would carry it to Scotland, and plant it, as a proof of his prowess, on his castle of Dalkeith. "That, so help me God!" cried Hotspur, "no Douglas shall ever do; and ere you leave Northumberland you shall have small cause to boast." "Well, Henry," answered Douglas, "your pennon shall this night be placed before my tent; come and win it if you can!"[2]

Such was the nature of this defiance; and Douglas knew enough of Percy to be assured that, if possible, he would keep his word. He commanded, therefore, a strict watch to be maintained; struck the pennon into the ground in front of his tent, and awaited the assault of the English. There were occasions, however, in which the bravadoes of chivalry gave way to the stricter rules of war; and as the English leaders still entertained the idea that Douglas only led the van of the main army, and that his object was to draw them from their entrenchments, they insisted that Percy should not hazard an attack which might bring them into jeopardy. The Scots, accordingly, after in vain expecting an attack, left their encampment, and proceeded on their way. Passing by the tower of Ponteland, they carried it by storm, razed it to the ground, and still continuing their retreat, came, on the second day, to the village and castle of Otterburn, situated in Redesdale,[3] and about twelve miles from Newcastle. This castle was strongly fortified, and the first day resisted every attack; upon which most of their leaders, anxious not to lose time, but to carry their booty across the Borders, proposed to proceed into Scotland.

Douglas alone opposed this, and entreated them to remain a few days and make themselves masters of the castle, so that in the interval they might give Henry Percy full time, if he thought fit, to reach their encampment, and fulfil his promise. This

[1] Winton, vol. ii. p. 338. Froissart, par Buchon, vol. xi. p. 377.

[2] Froissart, par Buchon, vol. xi. p. 377.

[3] Winton, vol. ii. pp. 339, 340.

they at length agreed to; and having skilfully chosen their encampment, they fortified it in such a way as should give them great advantage in the event of an attack. In its front, and extending also a little to one side, was a marshy level, at the narrow entrance of which were placed their carriages and waggons laden with plunder, and behind them the horses, sheep, and cattle which they had driven away with them. These were committed to the charge of the suttlers and camp-followers, who, although poorly armed, were able to make some resistance with their staves and knives. Behind these, on firm ground, which was on one side defended by the marsh, and on the other flanked by a small wooded hill, were placed the tents and temporary huts of the leaders and the men-at-arms; and having thus taken every precaution against a surprise, they occupied themselves during the day in assaulting the castle, and at night retired within their encampment.[1] But this did not long continue. By this time it became generally known that Douglas and his little army were wholly unsupported; and the moment that Percy ascertained the fact, and discovered that the Scottish earl lay encamped at Otterburn, he put himself at the head of six hundred lances, and eight thousand foot, and, without waiting for the Bishop of Durham, who was advancing with his power to Newcastle, marched straight to Otterburn, at as rapid a rate as his infantry could bear.[2]

Hotspur had left Newcastle after dinner, and the sun was set before he came in sight of the Scots encampment. It was a placid evening in the month of August, which had succeeded to a day of extreme heat, and the greater part of the Scots, worn out with an unsuccessful attack upon the castle, had taken their supper and fallen asleep. In a moment they were awakened by a cry of "Percy, Percy!" and the English, trusting that they could soon carry the encampment from the superiority of their numbers, attacked it with the greatest fury. They were checked, however, by the barrier of waggons, and the brave defence made by the servants and camp-followers, which gave the knights time to arm, and enabled Douglas and the leaders to form the men-at-arms before Hotspur could reach their tents. The excellence of the position chosen by the Scottish earl was now apparent; for, taking advantage of the ground, he silently and rapidly defiled round the wooded eminence already mentioned, which completely concealed his march, and when the greater part of the English were engaged in the marsh, suddenly raised his banner, and set upon them in flank. It was now night; but the moon shone brightly, and the air was so clear and calm, that the light was almost equal to the day. Her quiet rays, however, fell on a dreadful scene; for Percy became soon convinced that he had mistaken the lodgings of the servants for those of their masters; and, chafed at the disappointment, drew back his men on firm ground, and encountered the Scots with the utmost spirit. He was not, indeed, so well supported as he might have been, as a large division of the English under Sir Mathew Redman and Sir Robert Ogle,[3] having made themselves masters of the encampment, had begun to plunder, and his own men were fatigued with their march; whilst the Scots, under Douglas, Moray, and March, were fresh and well-breathed. Yet, with all these disadvantages, the English greatly outnumbered the enemy; and in the temper of their armour and their weapons were far their superior.[4]

For many hours the battle raged with undiminished fury; banners rose and fell; the voices of the knights shouting their war-cries were mingled with the shrieks and groans of the dying, whilst the ground, covered with dead bodies and shreds of armour, and slippery with blood, scarce afforded room for the combatants, so closely

[1] Froissart, par Buchon, vol. xi. p. 385.
[2] Ibid. p. 384.
[3] Winton, vol. ii. p. 340.
[4] Froissart, par Buchon, vol. xi. p. 389.

were they engaged, and so obstinately was every foot of earth contested. It was at this time that Douglas, wielding a battle-axe in both hands, and followed only by a few of his household, cut his way into the press of English knights, and throwing himself too rashly upon the spears, was borne to the earth, and soon mortally wounded in the head and neck. Yet at this time none knew who had fallen, for the English pressed on; and a considerable interval elapsed before the Earls of March and Moray again forced them to give back, and cleared the spot where Douglas lay bleeding. Sir James Lindsay was the first to discover his kinsman; and, running up hastily, eagerly inquired how it fared with him. "But poorly," said Douglas. "I am dying in my armour, as my fathers have done, thanks be to God, and not in my bed; but if you love me, raise my banner and press forward, for he who should bear it lies slain beside me." Lindsay instantly obeyed; and the banner of the crowned heart again rose amid the cries of "Douglas!" so that the Scots believed their leader was still in the field, and pressed on the English ranks with a courage which at last compelled them to give way.[1] Hotspur, and his brother, Sir Ralph Percy, surrendered after a stout resistance; and along with them nearly the whole chivalry of Northumberland and Durham were either slain or taken. Amongst the prisoners were the Seneschal of York, the Captain of Berwick, Sir Mathew Redman, Sir Ralph Langley, Sir Robert Ogle, Sir John Lilburn, Sir Thomas Walsingham, Sir John Felton, Sir John Copland, Sir Thomas Abingdon, and many other knights and gentlemen,[2] whose ransom was a source of great and immediate wealth to the Scots. There were slain on the English side about eighteen hundred and sixty men-at-arms, and a thousand were grievously wounded.[3] We are informed by Froissart that he received his account of this expedition from English and Scottish knights who were engaged in it; and "of all the battles," says he, "which I have made mention of heretofore in this history, this of Otterburn was the bravest and the best contested; for there was neither knight nor squire but acquitted himself nobly, doing well his duty, and fighting hand to hand, without either stay or faint-heartedness." And as the English greatly outnumbered the Scots, so signal a victory was much talked of, not only in both countries, but on the Continent.[4]

The joy which was naturally felt upon such an occasion was greatly overclouded by the death of Douglas. His conduct became the theme of universal praise; and his loss was the more lamented, as he had fallen in this heroic manner in the prime of manhood. All the soldiers mourned for him as their dearest friend; and the march to Scotland resembled more a funeral procession than a triumphant progress, for in the midst of it moved the car in which was placed the body of this brave man. In this manner was it conveyed by the army to the Abbey of Melrose, where they buried him in the sepulchre of his fathers, and hung his banner, torn and soiled with blood, over his grave.[5]

The causes of this defeat of Hotspur, by a force greatly his inferior, are not difficult to be discovered. They are to be found in the excellent natural position chosen by Douglas for his encampment; in the judicious manner in which it had been fortified; and in the circumstance of Percy attempting to carry it at first by a coup-de-main; thus rendering his archers, that portion of the English force which had ever been most decisive and destructive in its effects, totally useless.[6] The difficulties thrown in the way of the English by the entrenchment of waggons, and the defence of the camp followers, were of the utmost consequence in gaining time; and the sub-

1 Froissart, par Buchon. vol. xi. pp 393-395. Winton, vol. ii. pp. 340-342.
2 Ibid. vol. xi. p. 398.
3 Ibid. vol. xi. p. 426

4 Froissart, par Buchon, vol. xi. p. 401.
5 Ibid. vol. xi. p. 422.
6 Ibid. vol. xi. p. 389. "Et etoient si joints l'un à l'autre et si attachés, que trait d'archers de nul coté n'y avoit point de lieu."

sequent victory forms a striking contrast to the dreadful defeat sustained by the Scots at Dupplin in consequence of the want of any such precaution.[1] Even at Otterburn, the leaders, who were sitting in their gowns and doublets at supper when the first alarm reached them, had to arm in extreme haste; so that Douglas's harness was in many places unclasped, and the Earl of Moray fought all night without his helmet;[2] but minutes in such circumstances were infinitely valuable, and these were gained by the strength of the camp. One circumstance connected with the death of Douglas is too characteristic of the times to be omitted. His chaplain, a priest of the name of Lundie, had followed him to the war, and fought during the whole battle at his side. When his body was discovered, this warrior clerk was found bestriding his dying master, wielding his battle-axe, and defending him from injury. He became afterwards Archdeacon of North Berwick.[3]

On hearing of the defeat at Otterburn, the Bishop of Durham, who, soon after Percy's departure, had entered Newcastle with ten thousand men, attempted, at the head of this force, to cut off the retreat of the Scots; but, on coming up with their little army, he found they had again intrenched themselves in the same strong position, in which they could not be attacked without manifest risk; and he judged it prudent to retreat,[4] so that they reached their own country without further molestation. So many noble prisoners had not been carried into Scotland since the days of Bruce;[5] for although Hotspur's force did not amount to nine thousand men, it included the flower of the English Border baronage. The remaining division of the Scots, under the Earl of Fife, amounting, as we have seen, to more than a third part of the whole army, broke into England by the west marches, according to the plan already agreed on; and after an inroad, attended by the usual circumstances of devastation and plunder, being informed of the successful conclusion of the operations on the eastern border, returned without a check to Scotland.

It is impossible not to agree with Froissart, that there never was a more chivalrous battle than this of Otterburn: the singular circumstances under which it was fought, in a sweet moonlight night;[6] the heroic death of Douglas; the very name of Hotspur; all contribute to invest it with that character of romance so seldom coincident with the cold realities of history; and we experience in its recital something of the sentiment of Sir Philip Sidney, "who never could hear the song of the Douglas and Percy without having his heart stirred as with the sound of a trumpet." But it ought not to be forgotten that it was solely a chivalrous battle: it had nothing great in its motive, and nothing great in its results. It differs as widely in this respect from the battles of Stirling and Bannockburn, and from the many contests which distinguish the war of liberty, as the holy spirit of freedom from the petty ebullitions of national rivalry, or the desire of plunder and revenge. It was fought at a time when England had abandoned all serious designs against the independence of the neighbouring country; when the king, and the great body of the Scottish people, earnestly desired peace; and when the accomplishment of this desire would have been a real blessing to the nation: but this blessing the Scottish nobles, who, like their feudal brethren of England and France, could not exist without public or private war, did not appreciate, and had no ambition to see realised. The war originated in the character of this class, and the principles which they adopted; and the power of the crown, and the influence of the commons, were yet infinitely too feeble to check their authority; on the contrary, this domineering power of the

1 History, supra, p. 165.
2 Winton, p. 339.
3 Froissart, par Buchon, vol. xi. p. 393.
4 Ibid. vol. xi. p. 419.
5 Winton, vol. ii. p. 343.
6 It was fought on Wednesday, 5th August. M'Pherson's Notes on Winton, vol. ii. p. 516.

great feudal families was evidently on the increase in Scotland, and led, as we shall see in the sequel, to dreadful results.

But to return from this digression. The age and indolence of the king, and his aversion to business, appear to have now increased to a height which rendered it necessary for the parliament to interfere; and the bodily weakness of the Earl of Carrick, the heir-apparent, who had been injured by the kick of a horse, made it impossible that much active management should be intrusted to him. From necessity, more than choice or affection, the nation next looked to Robert's second son, the Earl of Fife; and in a meeting of the three estates, held at Edinburgh in 1389, the king willingly retired from all interference with public affairs, and committed the office of governor of the kingdom to this ambitious and intriguing man, who, at the mature age of fifty, succeeded to the complete management of the kingdom.[1] A deep selfishness, which if it secured its own aggrandisement, little regarded the means employed, was the prominent feature in the character of the new regent. His faults, too, were redeemed by few great qualities, for he possessed little military talent; and although his genius for civil government has been extolled by our ancient historians, his first public act was one of great weakness.

Since the defeat at Otterburn, and the capture of Hotspur, the Earl Marshal, to whom the English king had committed the custody of the marches, had been accustomed to taunt and provoke the Scottish Borderers to renew the quarrel, and had boasted that he would be ready to give them battle, if they would meet him in a fair field, though their numbers should double his. These were the natural and foolish ebullitions that will ever accompany any great defeat, and ought to have been overlooked by the governor; but, instead of this, he affected to consider his knightly character involved; and prepared to sacrifice the true interests of the country, which loudly called for peace, to his own notions of honour. An army was assembled, which Fife conducted in person, having along with him Archibald Douglas, and the rest of the Scottish nobles. With this force they passed the marches, and sent word to the Earl Marshal that they had accepted his challenge, and would expect his arrival; but, with superior wisdom, he declined the defiance; and, having intrenched himself in a strong position, refused to abandon his advantage, and proposed to wait their attack. This, however, formed no part of the project of the Scots, and they returned into their own country.[2] In such absurd bravadoes, resembling more the quarrels of children than any grave or serious contest, did two great nations employ themselves, misled by those ridiculous ideas which had arisen out of the system of chivalry, whose influence was now paramount throughout Europe.

Not long after this, a three-years' truce having been concluded at Boulogne between England and France, a mutual embassy of French and English knights arrived in Scotland, and having repaired to the court, which was then held at Dunfermline, prevailed upon the Scots to become parties to this cessation of hostilities; so that the king, who, since his accession to the throne, had not ceased to desire peace, enjoyed the comfort of at last seeing it, if not permanently settled, at least in the course of being established.[3] He retired soon after to one of his northern castles at Dundonald, in Ayrshire, where, on the 13th May 1390, he died at the age of seventy-four, in the twentieth year of his reign.[4] The most prominent features in the character of this monarch have been already described. That he was indolent, and fond of enjoying himself in the seclusion of his north-

[1] Fordun a Goodal, vol. ii. p. 414 He died n 1419, aged eighty.

[2] Fordun a Goodal, vol. ii. p. 414. Winton, vol. ii. p. 346.

[3] Rotuli Scotiæ, vol. ii. pp. 89, 99.

[4] Winton, vol. ii. pp. 350, 351. Some fine remains of this ancient castle still exist. Stat. Account, vol. vii. p. 619.

ern manors, whilst he injudiciously conferred too independent a power upon his turbulent and ambitious sons, cannot be denied: but it ought not to be forgotten that, at a time when the liberties of the country were threatened with a total overthrow, the Steward stood forward in their defence, with a zeal and energy which were eminently successful, and that he was the main instrument in defeating the designs of David the Second and Edward the Third, when an English prince was attempted to be imposed upon the nation. The policy he pursued after his accession, so far as the character of the king was then allowed to influence the government, were essentially pacific; but the circumstances in which the nation was placed were totally changed; and to maintain peace between the two countries became then as much the object of a wise governor as it formerly had been his duty to continue the war. Unfortunately, the judgment of the king was not permitted to have that influence to which it was entitled: and many years were yet to run before the two nations had their eyes opened to discern the principles best calculated to promote their mutual prosperity.

During the whole course of this reign, the agriculture of Scotland appears to have been in a lamentable condition—a circumstance to be traced, no doubt, to the constant interruption of the regular seasons of rural labour; the ravages committed by foreign invasion, and the havoc which necessarily attended the passage even of a Scottish army from one part of the country to another. The proof of this is to be found in the frequent liceuces which were granted by the English king, allowing the nobles and the merchants of Scotland to import grain into that country, and in the fact that the grain for the victualling of the Scottish castles, then in the hands of the English, was not unfrequently brought from Ireland.[1] But the commercial spirit of the country during this reign was undoubtedly on the increase; and the trade which it carried on with Flanders appears to have been conducted with much enterprise and activity. Mercer, a Scottish merchant, during his residence in France, was, from his great wealth, admitted to the favour and confidence of Charles the Sixth; and, on one occasion, the cargo of a Scottish merchantman, which had been captured by the English, was valued as high as seven thousand marks, an immense sum for those remote times.[2] The staple source of export wealth continued to consist in wool, hides, skins, and wool-fels. We have the evidence of Froissart, who had himself travelled in the country, that its home manufactures were in a very low condition.

[1] Rotuli Scotiæ, vol. i. pp. 963, 965, 966 968, 975.

[2] Walsingham, p. 239.

NOTES AND ILLUSTRATIONS.

LETTER A, page 3.

Dr LINGARD, in his History of England, vol. iii. p. 119, observes, that "the Scottish king consented to an arrangement, by which, although he eluded the express recognition of feudal dependence, he seems to have conceded to Henry the whole substance of his demand." And the same acute historian has remarked, in the same volume, "that when the Scottish king received a grant of land in Tynedale and at Penrith, and consented to perform a new homage for these possessions, the question as to the homage demanded for Scotland was left undecided." I much question the accuracy of these statements; and if the reader will take the trouble to turn to the first volume of the Fœdera, pages 374 and 428, he will at once perceive the ground of my dissent. The legitimate inference to be drawn from the documents in Rymer is, that the question as to any homage due by Alexander the Second for his kingdom of Scotland was decided against Henry in 1237, and that the English king acquiesced in the decision; for it will be observed, the homage then paid was for his new acquisition,[1] and there is no reservation of the claim of homage for Scotland. Again it appears that this decision was virtually enforced and repeated in the charter granted by Alexander in 1244. Henry's demand had evidently been, that Alexander should perform homage to him *for his kingdom of Scotland*. Alexander, who at that time held lands in England, was reported, says Mathew Paris, to have "answered bitterly that he never did, and never would, hold a particle of land *in Scotland* under Henry,"[2] but he at the same time was ready to take the oaths to Henry as his liege lord. This surely cannot be called "a concession to Henry of the whole substance of his demand." The charter by Alexander the Second to Henry the Third, alluded to in the text, is as follows:—

"Alexander, Dei gratia, Rex Scotiæ, omnibus Christi fidelibus hoc scriptum visuris vel audituris, salutem:

"Ad vestram volumus pervenire notitiam, nos pro nobis et hæredibus nostris concessisse, et fideliter promisisse, charissimo et ligio Domino nostro Henrico Tertio, Dei gratia, Regi Angliæ illustri, Domino Hyberniæ, Duci Normanniæ et Aquitaniæ, et Comiti Andegaviæ, et ejus hæredibus, quod in perpetuum bonam fidem ei servabimus pariter et amorem:

"Et quod nunquam aliquod fœdus inibimus per nos, vel per aliquos alios, ex parte nostra, cum inimicis Domini Regis Angliæ, vel hæredum suorum, ad bellum procurandum vel faciendum, unde damnum eis, vel Regnis suis Angliæ et Hyberniæ, aut cæteris terris suis, eveniat, vel possit aliquatenus evenire, nisi nos injuste gravent:

"Stantibus in suo robore conventionibus inter nos et dictum Dominum Regem Angliæ initis ultimo apud Eboracum, in præsentia Domini Ottonis, tituli Sancti Nicholai in Carcere Tulliano, Diaconi Cardinalis, tunc Apostolicæ Sedis Legati in Anglia; et salvis conventionibus factis super matrimonio contrahendo inter filium nostrum et filiam dicti Domini Regis Angliæ:

"Et, ut hæc nostra concessio et pro-

[1] Rymer Fœdera, vol. i. p. 376.

[2] Math. Paris, pp. 562, 568; and Hailes, vol. i. p. 184.

missio, pro nobis et hæredibus nostris, perpetuæ firmitatis robur obtineant, fecimus jurare in animam nostram Alanum Ostiarium, Henricum de Bailloil, David de Lindesie, Willielmum Giffard, quod omnia prædicta, bona fide, firmiter, et fideliter observabimus.

"Et similiter jurare fecimus venerabiles patres David, Willielmum, Galfridum, et Clementem, Sancti Andreæ, Glasconensem, Dunkeldensem, et Dunblanensem, Episcopos.

"Et præterea fideles nostros, Patricium Comitem de Dumbar, Malcolmum Comitem de Fife, Malisium Comitem de Stratherne, Walterum Cumin de Meneteth, Willielmum Comitem de Mar, Alexandrum Comitem de Buchan, David de Hastingia Comitem Athorl, Robertum de Bruis, Alanum Ostiarum, Henricum de Bailloil, Rogerum de Mumbri, Laurentium de Abrinthia, Richardum Cumin, David de Lindesie, Richardum Siward, Willielmum de Lindesia, Walterum de Moravia, Willielmum Giffard, Nicolaum de Sully, Willielmum de Veteri Ponte, Willielmum de Bevire, Aleumum de Mesue, David de Graham, et Stephanum de Smingham, quod, si nos, vel hæredes nostri, contra concessionem et promissionem prædictam, quod absit, venerimus, ipsi, et hæredes eorum, nobis, et hæredibus nostris, nullum, contra concessionem et promissionem prædictam, auxilium vel concilium impendent, aut ab aliis pro posse suo impendi permittent.

"Imo bona fide laborabunt erga nos et hæredes nostros, ipsi et hæredes eorum, quod omnia prædicta a nobis et hæredibus nostris, necnon ab ipsis et eorum hæredibus, firmiter et fideliter observentur in perpetuum.

"In cujus rei testimonium, tam nos, quam prædicti prælati, Comites et Barones nostri, præsens scriptum sigillorum nostrorum appositione roboravimus.

"Testibus Prælatis, Comitibus, et Baronibus superius nominatis, anno Regni nostri, &c.

"*Ista signa apposita fuerunt incontinenti, scilicet Regis Scotiæ Alexandri, Willielmi de Bevire, Willielmi de Veteri Ponte, Willielmi de Lindesai, Stephani de Smingham.*

"*Aliorum sigilla apposita fuerunt postea. Et ipsum scriptum Regi Anglorum transmissum, ad natale Domini proximo sequens, per Dominum Priorem de Thinemua.*"

Letter B, page 5.

Rymer, Fœdera, page 326, new edit. —"We find that the Earl of Hereford, William de Fortibus, earl of Albemarle, and R. Walerand, seneschal, accompanied Gloucester and Maunsell. The Scottish barons, with whom they are directed to co-operate against the party of the Comyns, and who are proscribed as rebels, are Patricius Comes de Dunbar, Males Comes Straern, Nigellus Comes de Karrike, Robertus de Brus, Alexander Seneschallus Scotiæ, Alanus Hostiarius, David de Lindes, Willielmus de Brethun, Walterus de Murrenya, Robertus de Mesneres, Hugo Giffard, Walterus le Seneschal, Johannes de Crawford, Hugo de Crauford, and Willielmus Kalebraz."

Letter C, page 7.

Lord Hailes calls this assertion of the Comyns, that the king was in the hands of excommunicated persons, a hypocritical pretence. He forgot that, although in the nineteenth century we can despise the terrors of a sentence of excommunication, the Scottish barons could not treat it as lightly in the thirteenth; and that at this dark period the victims of such a sentence were regarded with universal horror. He adds, that when the same faction accused the queen of having excited her father "to invade Scotland, and extirpate the nation," they were circulating a slander which was basely devised to operate on the two great passions of the vulgar—fear and national pride. The words, "invade Scotland, and extirpate the nation," are marked as if they were a quotation from Mathew Paris. But, according to this author, p. 821, what the Comyns asserted was not that the young queen had advised her father to invade Scotland and extirpate the nation, but that "she had incited her father, the King of England, to come *against* them with an army in a hostile manner, and make a miserable havoc:" a charge strictly founded on fact.

Letter D, page 7.

I subjoin the treaty between the party of the Comyns, and Llewellyn, prince of Wales, taken from Rymer, vol. i. p

653. The page in the text refers to the new edition of the Fœdera.

Littera continens quod Scoti et Wallenses non facient pacem cum Rege Angliæ sine mutuo consensu et assensu.

"Omnibus sanctæ Matris Ecclesiæ filiis, hoc scriptum visuris vel audituris, Walt. Cumin Comes de Meneth, Alex. Cumyn Comes de Buchan Justic. Scotiæ, Willielmus Comes de Mar, Willielmus Comes de Ros, Joannes Comyn Justiciar. Galwediæ, Aimeris de Makeswel, Camerarius Scotiæ, Fresekums de Moravia, Hug. et Walter. de Berkeleya fratres, Bernardus de Mohane, Riginaldus Cheyn, David Lochor, Johannes Dundemor, Willielmus de Erch, Ector de Barrit. et eorum amici præsentes et alligati universi, salutem:

"Noverint nos, anno Gratiæ millesimo ducentesimo quinquagesimo octavo, decimo octavo die mensis Martii, de communi nostrûm consensu et assensu, cum Domino Lewelino filio Griffini, Principe Walliæ, et David filio Griffini fratre suo, Vcino Grufud fil. Maduc Domino de Bromfeld, Maredud fil. Ris, Maredud filio Ovenir, Reso Jumori, Oweyn filio Maredud, Madant filio Wenwywym, Maredud Seis Lewelin, Vechan Owem, Mared filio Leweliner Domino de Methem, Owen filio Gruffud, Madant Parvo, Owen filio Bledyn, Howell filio Maredud, Elisse et Grufud filio Jornith, Gorone filio Edvenet; Jornith Grugman, Eumay Vechan, Tudar filio Mad, Enmaun filio Karaduc, Jornith filio Maredud, David filio Enviayn, Jenev Chich Roys filio Ednevet, et eorum amicis et alligatis, hanc fecisse conventionem mutuæ confœderationis et amicitiæ; videlicet:

"Quod, sine communi consensu et assensu præfatorum Principis et Magnatum, de cætero nullam pacem, aut formam pacis, treugam aut formam treugæ, faciemus cum Domino Rege Angliæ, aut aliquo Magnate Regni Angliæ, aut Regni Scotiæ, qui tempore confectionis præsentis scripti, præfatis Principi, et Magnatibus, et terris suis, et nobis contrarii extiterint et rebelles, nisi illi ad omnem hanc eandem considerationem pariter nobiscum teneantur.

"Nos etiam contra præfatos Principem et Magnates nullam potentiam, utpote exercitum equitum aut peditum, exire permittemus de Scotia; nec in aliquo contra ipsos præfato Regi Angliæ succursum præstabimus aut favorem; immo eisdem Principi et Magnatibus, et terræ suæ, fideliter auxsiliantes erimus et consulentes.

"Et, si contingat quod cum Domino Rege Angliæ, aut quocunque viro, præfatis Principi, et Magnatibus, aut nobis, jam adversante, per Domini nostri Regis Scotiæ præceptum, pacem aut treugam inire compellamur; nos in bona fide, quantum poterimus et sciemus, ad præfatorum Principis, et Magnatum suorum, et terræ suæ commodum et honorem hoc fieri procurabimus cum effectu.

"Nequaquam de voluntate nostra, nisi per præfati Domini nostri districtam compulsionem hoc mandatum fuerit et præceptum, in aliquo contra præsentem confœderationem faciemus; immo Dominum nostrum, pro hac eadem confœderatione nobiscum facienda et observanda, quantum poterimus, inducemus.

"Mercatoribus etiam Walliæ, cum ad partes Scotiæ cum suis negotiationibus venire valeant, licentiam veniendi, et prout melius poterunt negotiationes suas vendendi, pacem etiam et protectionem nostram salvo et secure morandi, et sine quacumque vexatione, cum eis placuerit, recedendi, concedimus ex affectu.

"Mercatoribus etiam Scotiæ ad partes Walliæ, de licentia nostra, cum suis venire negotiationibus persuadebimus ex corde.

"Ad prædicta omnia et singula, in fide prædicti Domini Regis Scotiæ fideliter, integre, et illæse, et sine fraude et dolo, et in bona fide observanda, unusquisque nostrûm in manu Gwyd. de Bangr. Nuncii præfatorum Principis et Magnatum, fidem suam præstitit, et, tactis sacrosanctis Evangeliis, corporale sacramentum.

"In cujus rei testimonium huic scripto, per modum Cyrographi confecto, et penes præfatos Principem et Magnates remanenti, quilibet nostrûm sigillum suum fecit apponi.

"Prædicti vero Princeps et Magnates in manu Alani Yrewyn, Nuncii nostri, similiter præstitis fide sua, et tactis sacrosanctis Evangeliis, juramento, consimili scripto hujus confœderationis et amicitiæ, penes nos remanenti, in testimonium, singula sigilla sua apposuerunt."

LETTER E, page 28.

The letter of the "Community of Scotland, directed to Edward the First, from Brigham," is important and curi-

ous. It contains the names of the bishops, earls, abbots, priors, and barons of Scotland, as they stood in 1289. I subjoin it from the Fœdera, vol. ii. p. 471.

"*Litera Communitatis Scotiæ, per quam consulunt Regi Angliæ quod Matrimonium fiat inter Primogenitum suum et Natam Regis Norwegiæ, Hæredem Scotiæ; et etiam per quam petunt quod Rex Angliæ, concedat eis Petitionem suam, quam petituri sunt per Nuncios suos, in Parliamento ipsius Regis*

"A Tres noble Prince Sire Edward, par la grace de Deu, Roy de Engletere, Seygnur de Yrlaund, et Duk de Aquitain.

Guillame e Robert, par meme cele grace, *de Seint Andreu et de Glasgu Evesques.*

Johan Comyn, et
James Seneschal de Escoce, Gardeyns du Reaume de Escoce.

Maheu, Evesque de Dunkeldin,
Archebaud, Evesk de Moref,
Henry, Eveske de Abirdene,
Guillame, Evesque de Dunblain,
Marc, Evesque de Man,
Henry, Evesque de Gauway,
Guillam, Evesque de Brechin,
Alayn, Evesque de Catenes,
Robert, Evesque de Ros, et
Laurence, Evesque de Ergaythil.

Contes.

Maliz de Stratherne,
Patrick de Dunbar,
Johan Comyn de Buchan,
Dovenald de Mar,
Gilbert de Hunfrauvill de Anegos,
Johan de Asteles,
Gauter de Meneteth,
Roberd de Brus de Carrik,
Guillam de Ros,
Maucolom de Lovenaus.
Guillam de Sotherland, et
Johan de Catenes.

Abbes.

De Kelquou,
De Meuros,
De Dunfermlin,
De Aberbrothok,
De la Seinte Croys,
De Cambuskinel,
De Kupre,
De Driburg,
De Neubotil,
De Passelay,
De Jedeworth,
De Londors,
De Balmorinauch,
De Glenluce,
De Kilwynnin,
De Incheafrau,
De Culros,
De Dundraynan,
De Darwonguill,
De Kinlos,
De Deer,
De Ylecolunkile, et
De Tungeland.

Priours.

De Seint Andreu,
De Coldingham, et
De Leasmahagu,
De Pluscardin,
De Beaulou,
De Hurward,
De Wytherne,
De Rustinoth,
De May,
De Cononby,
De Blantir.

Barons.

Roberd de Brus, Seygnur de Val de Anaunt,
Guillam de Moref,
Guillame de Soulys,
Alisaundre de Ergayl,
Alisaundre de Bayliol, oc Kavers,
Geffray de Moubray,
Nichol de Graham,
Nichol de Lugir,
Ingeram de Bailiol,
Richard Siward,
Herbert de Macswell,
David le Mariscal,
Ingeram de Gynes,
Thomas Randolf,
Guillame Comyn, Seygnur de Kirketolauch,
Simon Fraser,
Renaud le Chen le Perc,
Renaud le Chen le Fitz,
Andreu de Moref,
Johannes de Soules,
Nichol de la Haye,
Guillam de la Haye,
Roberd de Cambron,
Guillam de Seincler,
Patrik de Grame,
Johannes de Estrivenli,

Johannes de Kalentir
Johan de Malevile,
Johan le Seneschal,
Johan de Glenesk,
Alisaundre de Bonkyll,
Bertram de Cardenes,
Dovenald le fit Can,
Magnus de Fetherith,
Roberd le Flemyng,
Guillam de Moref, de Drumsergard,
David de Betune,
Guillame de Duglas,
Alisaundre de Lyndeseye,
Alisaundre de Meneteth,
Alisaundre de Meners,
Guillam de Muhaut,
Thomas de Somervill,
Johan de Inchemartin,
Johan de Vaus,
Johan de Moref,
Maucolom de Fcrendrauch, et
Johan de Carniauch.

"Du Realme de Escoce saluz, et totes honors.

"Pour la vostre bone fame, et pur la droyture ke vous fetis si communement a tut, et pur le bon veysinage et le grant profit, que le Reaume de Escoce a resceu de vous, et voustre Pere, et de vous Auncestres, du tens cea en arere.

"Sumes nus mut leez et joyus de accones noveles, que *mult de gent parlent*, ke le Apostoyll deust aver otree et fet dispensacion, ke Mariage se puist fere entre mun *Sire Edward, vostre Fitz, et Dame Margarete Reyne de Escoce, nostres treschere Dame*, non ostant procheynette de Saunk; et prium vostre hautesee ke vous *plese certefier nous de ceste chose.*

"Kar, si la dispensacion graunte, vous seit grante, nus des hore, ke le mariage de eus face, otreom e nostre accord; et nostre assent ydonom; *et ke vous facez a nus les choses, que nos messages*, que nous enverrom a voustre Parlement, vous mustrunt de par nus, *que venables serrunt.*

"Et, si ele seit a purchacer, nus, pur les grant biens e profit, que purrunt de coe avenir al'un e le autre Reaume, mettrom volenters conseyl, ensemblement ovesque vous, coment ele seit purchace.

"E, pur ceste chose, e autres, ke tuchent l'estat du Reaume de Escoce, Sur queux nous aurom mester de aver seurte de vous; nous, avauntdyt Gardeyns, Evesques, Countes, Abbes, Priurs, e Barons, enveroms a vous, a Londres, a voustre *Parlement de Pasch prochein* avenir, de bone gent du Reaume de Escoce, pur nus et pur eus, et pur tote la Commune de Escoce.

"Et, en tesmonage des avauntdites choses, nous, Gardeyns du Reaume, Prelats, Countes, e Barones avauntdit, en nom de vous, et de tote la Commune, le Seel Comun, que nus usom en Escoce, en nom de nostre Dame avauntdyte, auvom fet mettre a ceste lettre.

"Done a Briggeham, le Vendredy procheyn a pres la Feste Seint Gregorie, le an le nostre Seygnur, 1289."

LETTER F, page 46.

Lord Hailes is at a loss to settle the exact chronology of this surrender by Baliol, but Prynne enables us to do this with considerable accuracy. The scroll of the resignation was prepared at Kincardine on the 2d July. The penance took place in the churchyard at Strathkathro on the 7th of the same month;[1] and the deed recording it is of the same date: after which, on the 10th July, at the castle of Brechin, in the presence of Edward himself, Baliol made his final resignation, and a second instrument was drawn up exactly in the same terms as the scroll prepared at Kincardine. Bower, in his additions to Fordun, is evidently in an error when he states that Baliol underwent his penance and made his resignation at Montrose. Prynne, Edw. I. pp. 647, 650, 651. Baldred Bisset, the Scottish envoy at Rome, who was sent there to confute the claims of Edward to the superiority over Scotland, may perhaps have founded his accusation, that Edward had forged the instrument of Baliol's resignation, upon this discrepancy in the dates.

LETTER G, page 47.

A Diary of the Expedition of Edward in the year 1296, preserved in the Cottonian Collection, gives the following account of his progress. It is chiefly valuable from its fixing dates and places, being extremely meagre in detail. It is written in old French, and is probably nearly coeval with the events it describes. The corruption of

[1] I find in Mr Chambers's agreeable work, entitled "The Picture of Scotland," vol. ii. p. 255, that the tradition of the country affirms the penance of Baliol to have been performed at Strathkathro.

the Scottish names in it is very great. It has been published in a valuable Miscellany edited by the Bannatyne Club.[1]

On the 28th March 1296, being Wednesday in Easter Week, King Edward passed the Tweed and lay in Scotland, At Coldstream Priory.
Hatton, or Haudene, March 29, Thursday.
Friday, being Good-Friday, 30th March. Sack of Berwick.
Battle of Dunbar, April 24, 26, 27.
Edward marches from Berwick to Coldingham, 28th April; to Dunbar.
Haddington, Wednesday, Even of Ascension, May 3.
Lauder, Sunday, May 6.
Rokesburgh, Monday, May 7, where Edward remained fourteen days.
Jedworth, May 23.
Wyel, Thursday, May 24; Friday, 25, to Castleton; Sunday, 27, again to Wyel.
Jedworth, Monday, May 28.
Rokesburgh, Friday, June 1.
Lauder, Monday, June 4.
Newbattle, Tuesday, June 5.
Edinburgh, Wednesday, June 6. Siege of Edinburgh.
Linlithgow, June 14.
Stirling, Thursday, June 14. At Outreard, June 20.
Perth, Thursday, June 21, where he remained three days.
Kinclevin, on the Tay, June 25.
Cluny, Tuesday, June 26. Abode there till July 1.
Entrecoit, Monday, July 2.
Forfar, Tuesday, July 3.
Fernwell, Friday, July 6.
Montrose, Saturday, July 7. Abode till the 10th.
Kincardine in the Mearns, Wednesday, July 11.
Bervie, Thursday, July 12.
Dunn Castle, Friday, July 13.
Aberdeen, Saturday, July 14.
Kinkell, Friday, July 20.
Fyvie, Saturday, July 21.
Banff, Sunday, July 22.
Invercullen, Monday, July 23.
In tents on the river Spey, district of Enzie, Tuesday, July 24.
Repenage, in the county of Moray, Wednesday, July 25.
Elgin, Thursday, July 26. Remained for two days.
Rothes, Sunday, July 29.
Innerkerack, Monday, July 30.
Kildrummie, Tuesday, July 31.
Kincardine in the Mearns, Thursday, August 2.
Brechin, Saturday, August 4.
Aberbrothoc, Sunday, August 5.
Dundee, Monday, August 6.
Baligarnach, the Redcastle, Tuesday, August 7.
St Johnston's, Wednesday, August 8.
Abbey of Lindores, Thursday, August 9. Tarried Friday.
St Andrews, Saturday, August 11.
Markinch, Sunday, August 12.
Dunfermline, Monday, August 13.
Stirling, Tuesday, August 14. Tarried Wednesday 15th.
Linlithgow, Thursday, August 16.
Edinburgh, Friday, August 17. Tarried Saturday 18th.
Haddington, Sunday, August 19.
Pykelton, near Dunbar, Monday, August 20.
Coldingham, Tuesday, August 21.
Berwick, Wednesday, August 22.

Having spent twenty-one weeks in his expedition.

[1] The Antiquarian Society of London have also printed the Diary, with a learned preface by Sir Harris Nicolas, in their Transactions. A coincidence of this kind shews that there is a valuable spirit of research at work in both countries.

Letter H, page 55.

Lord Hailes observes, p. 253, vol. i., that "Buchanan, following Blind Harry, reports that the bridge broke down by means of a stratagem of Wallace." Buchanan, however, expressly says that the "bridge broke down either by the artifice of the carpenter who had loosened the beams, as our historians assert, or from the weight of the English horse, foot, and machinery."

Letter I, page 63.

Hemingford, vol. i. p. 165, says these compact bodies were in a circular form—"qui quidem circuli Schiltronis vocabantur." Schiltron seems to denote nothing more than a compact body of men. It is thus used by Barbour in his poem of "The Bruce," where he describes the battle of Bannockburn—

> "For Scotsmen that them hard essayed,
> That then were in a schiltrum all."

Walsingham, p. 75, affirms that Wallace fortified the front of his position with long stakes driven into the

ground, and tied together with ropes, so as to form a hedge. I find no mention of this in Hemingford; nor in Fordun, Winton, or Trivet. Walsingham's account is vague, and unlike truth. He tells us that Edward first commanded the attack to be made by the Welsh, and that they refused; upon which a certain knight addressed the king in two monkish rhyming verses, in Latin. Hemingford's narrative, on the other hand, which I have chiefly ollowed, is strikingly circumstantial nd interesting. He describes the battle of Stirling as if he had the particulars from eye-witnesses; and Lord Hailes conjectures that this account of the battle of Falkirk was taken from the lips of some who had been present.

Letter K, page 64.

Trivet, p. 313, says these two religious knights were slain in the beginning of the battle; but I prefer the authority of Hemingford, p. 165, and Langtoft, p. 305-6. Lord Hailes, following Mathew of Westminster, p. 431, says that Bryan de Jaye was Master of the Knights Templars in England; but it is certain, from the Rotuli Scotiæ, 29 Edward I. mm. 12. 11., that he was Master of that Order in Scotland. We there find, "Brianus de Jaye, Preceptor Militiæ Templi in Scotia."

There is a long note in Hailes upon the battle of Falkirk, Annals, vol. i. p. 262. Its object is to prove that every account of the battle of Falkirk which has been given by Scottish historians, from Fordun to Abercromby, is full of misrepresentation, and, on this subject, the English historians are alone to be trusted. In these misrepresentations of the Scottish historians, he includes the assertion, "that there were disputes between Wallace and the Scottish nobles; that some of these nobles were guilty of treachery in abandoning the public cause; and that, on the first onset, the Scottish cavalry withdrew, without striking a blow."

That there was treachery among the Scottish nobles is, however, satisfactorily proved by Hemingford, an English historian. That the Scottish horse fled without striking a blow, "*absque ullo gladii ictu*," when the battle had just begun, is asserted by the same writer, Hemingford; yet, singular to say, this does not appear to Hailes to be anything like treachery. The Scottish cavalry were a body of a thousand armed horse, amongst whom were the flower of the Scottish knights and barons: are we to believe that these, from mere timidity, fled, before a lance was put in rest, and upon the first look of the English? But the note is also strikingly inconsistent with this author's own statement at p. 254, where, in giving an account of the feelings of the Scottish barons with regard to Wallace, he asserts that "his elevation wounded their pride; his great services reproached their inactivity in the public cause;" that it was the language of the nobility, "We will not have this man to rule over us;" and that "the spirit of distrust inflamed the passions and perplexed the counsels of the nation." This was the picture given by this historian of the sentiments of the Scottish nobles on 29th March 1298. Yet, when the Scottish historians observe that at the battle of Falkirk, only four months after this, the Scottish nobility were weakened by dissensions, and their army enfeebled by envy of Wallace, the account is deemed wholly incredible.[1]

Letter L, page 65.

"Wherfor the Kyng, upon the Maudelyn day,
At Fowkyrke fought with Scottes in great array.
Where Scottes fled and forty thousand slaine;
And into Fiffes he went, and brent it clene,
And Andrew's toune he wasted then full plaine;
Blackmanshyre and Menteth, as men mene,
And on the ford of Tippour, with host I wene,
Bothvile, Glasgowe, and to the toune of Are,
And so to Lanarke, Lochmaban, and Annand there."

—Hardynge's Chronicle, 8vo, London, 1543, fol. clxv.

Letter M, page 68.

The negotiations between Philip and Edward, in 1297, on the point of including the kingdom of Scotland under the truce and pacification entered into at Tournay, were unknown to Lord Hailes, as the document which contains so full and explicit an account of them was not published at the time he wrote his history. They throw an important

[1] See Mr Aikman's Translation of Buchanan's History, (pages 410, 413, and 416,) for some remarks on Lord Hailes' accounts of the battles of Falkirk and Roslin, and his apology for Menteith.

light on the conduct of Comyn, and the higher Scottish nobility, who refused to join Wallace in his resistance to Edward; as they prove that one motive for their refusal might be the hope that Philip's representations would induce Edward to include them and their country in the articles of truce, and in the subsequent treaty of peace, of which these articles were understood to be the basis. Even so late as the battle of Falkirk, July 22, 1298, Comyn, who drew off his vassals, and took no part in the day, might have indulged some hope that Philip's mediation, and the representations of the Pope, would succeed in restoring peace to Scotland, and thus save his own lands, and the estates of the Scottish nobles. For Edward did not give his final answer, by which he totally excluded Scotland, and all its subjects, from the articles of truce and pacification, till the 19th August 1298, (Rymer, vol. i. new edit. p. 898,) when he was in camp at Edinburgh. At the same time, although these negotiations give some explanation of the motives which might have influenced the nobles of Scotland in refusing to act with Wallace, they afford no excuse for their weak and selfish conduct.

Letter N, page 75.

This account of the battle of Roslin is taken from the English historians, Hemingford, Trivet, and Langtoft, and from our two most valuable and authentic Scottish historians, Winton and Fordun. Lord Hailes, who generally follows the English historians, has given a description of the battle in the shape of a critical note. He appears not to have consulted, when he composed his text, the curious and minute account given by Langtoft, vol. ii. p. 319, although he afterwards quotes him in the corrections and additions. So far from attempting to throw any veil over the events of the day, Langtoft is open and candid as to the entire defeat of the English. The same historian has fallen into a mistake, when he states the fact, in saying that Segrave, instead of falling back, rashly advanced and attacked the Scots. Segrave was surprised and attacked in his encampment by the Scots; and so complete was the surprise, that his son and brother were taken in bed. As to the ridiculous story of Sir Robert Neville miraculously retrieving the day, and the invulnerable qualities conferred on those present at mass, it is a monkish tale, utterly unworthy of belief, as Langtoft informs us that Neville was slain. There is some inconsistency in the manner in which this historian has recounted the battle of Roslin. He was aware, he tells us, that the English historians, whom he follows, gave a partial account; yet this account he incorporates into his text. He has brought no well-grounded argument against the narrative of Winton and Fordun, which is supported by the English historian, Langtoft; yet he insinuates that the Scottish historians *may* have exaggerated the successes of the Scottish army at Roslin; and with this affectation of superiority to national prejudice, he quietly passes them over. Tyrrel, vol. iii. p. 153, says, quoting Walsingham and the Chron. Abingdonense, that Wallace headed the Scots in this battle; but I find no authority in the Scottish writers for such an assertion.

Letter O, page 77.

The fortalice at Lochindorb is thus described by Mr Lewis Grant, in his Account of the Parish of Cromdale:—"A thick wall of mason work, twenty feet high even at this period, and supposed to have been much higher, surrounds an acre of land within the loch, with watch-towers at every corner, all entire. The entrance to this place is a gate built of freestone, which has a grandeur in it easier felt than expressed. Several vestiges of houses are found within the walls, besides those of a church, which, without difficulty, can still be traced in the ruins. Great rafts, or planks of oak, by the beating of the waters against the old walls, occasionally make their appearance. Tradition says, and some credit is due to the report, that the particular account of this building was lost in the days of King Edward the First of England." Had the worthy clergyman who wrote this studied the history of Scotland in Fordun, infinitely the most valuable of all our historians, he would there have found that Edward, "in propria persona ad Lochindorb pervenit, et ibidem aliquamdiu moram faciens, partes boreales ad pacem cepit." It is very delightful to find tradition thus throwing its shadowy reflection upon history, and history its clear and certain light upon tradition.

Letter P, page 77.

Kildrummie, of which there are still considerable remains, will be found described in Stat. Account, vol. xviii. p. 416.—Edward's progress, as ascertained by dates and authentic instruments in Rymer and Prynne, was as follows:—

Newcastle, 7th May.—Prynne, p. 1016.
Morpeth, 9th May.—Prynne, pp. 1015, 1016.
Rokesburgh, 21st May.—Prynne, p. 1017.
Edinburgh, 4th June.
Linlithgow, 6th June.—Rymer, vol. ii. old edit. p. 931.
Perth, 10th June.—Rymer, vol. ii. p. 934.
Clackmannan, 12th June.
Perth again, 28th June.—Prynne, p. 1016.
Same town, 10th July.—Prynne, p. 1009.
Kincardine, 17th August.—Prynne, p. 1012.
Aberdeen, 24th August.
Banff, 4th September.—Prynne, p. 1021.
Kinloss, in Moray, 20th September.
Kildrummie, 8th October.—Prynne, p. 1017.
Kinloss again, 10th October.
Dundee, 20th October.—Prynne, p. 1015.
Cambuskynel, 1st November.—Prynne, p. 1022.
Kinross, 10th November.
Dunfermline, 11th December.

Letter Q, page 78.

Lord Hailes observes, vol. i. p. 276, that "the Scots fondly imagined that Edward would attempt to force the passage, as the impetuous Cressingham had attempted in circumstances not dissimilar; but," he adds, "the prudence of Edward frustrated their expectation; having discovered a ford at some distance, he passed the river at the head of his whole cavalry." This is quite erroneous; and Trivet, p. 337, whom he quotes on the margin as his authority, says something very different. He tells us, that Edward *did intend to pass the river by the bridge*, which, on his arrival, he found had been already destroyed by the Scots, that all passage thereby might be cut off. Baulked in his expectation, "Edward pitched his tents and prepared for dinner, when John Comyn approached on the opposite bank with the whole power of the Scots; upon whose appearance the English army, seizing their arms, mounted their horses, and with these the king himself, entering the river, found, by the direction of the Lord, a ford for himself and his soldiers." Edward, therefore, whose prudence Lord Hailes commends, because he did not imitate the impetuous Cressingham, had actually intended to follow his example, and pass the river by the bridge; and the Scots, whom he represents as fondly imagining he would do so, evidently entertained no such idea, because they burnt the bridge to prevent him from passing the river.

Letter R, page 78.

Much as I respect the ability of Dr Lingard, I cannot altogether acquit him of prejudice in his narrative of Scottish affairs. Speaking, p. 328, vol. iii., of the conditions offered by Edward to Comyn, the Bishop of Glasgow, Sir Simon Fraser, and the rest, he adds,—"When the rest of his countrymen made their peace with England, his (that is, Wallace's) interests were not forgotten. It was agreed, *that he also* might put himself on the pleasure and grace of the king, if he thought proper;" and he adds this note—"Et quant a Monsieur Guilliam de Galeys est accordé qu'il se mette en la volunte, et en la grace notre le Seigneur le Roi, si lui semble que bon soit." Lord Hailes "thinks it doubtful whether the words 'si lui semble' refer to Wallace or the king; but they evidently refer to Wallace. *The offer is made in the same manner* to the Bishop of Glasgow, the Steward, &c., 'si lour semble que bon soit.'" By these expressions of the historian, the reader might be led to believe that Edward's conduct to his Scottish rebels was not ungenerous or harsh; and that to Wallace, the same, or nearly the same, terms were offered as to the rest of his countrymen. This is the impression made by the words, "it was *agreed that he also*," and by the observation, "the offer is made in the same manner." But it is proved by a state paper published in Prynne's Edward the First, pp. 1119, 1120, that to Comyn, the Bishop of Glasgow, Sir Simon Fraser, and the rest, Edward expressly stipulated, "*that their life and limbs should be safe*—that they *should not suffer*

punishment or lose their estates—and that the ransom they should pay, and the fines to be levied on them for their misdemeanours, should be referred by them to the good pleasure of the king." This last condition related only to Comyn, and those who surrendered themselves along with him. Wishart the Bishop of Glasgow, Sir Simon Fraser, James the Steward of Scotland, John Soulis, and a few others, were promised security for life and limb, freedom from imprisonment, and that they should not lose their lands; but, according to their degrees of guilt in Edward's mind, a fine of more or less extent, and a banishment for a longer or shorter time, was inflicted on them; which conditions they were to accept, no doubt, "if to them seemed proper;" "*si lour semble que bon soit.*" And what, by the same authentic deed, was promised to Wallace? The terms were, *an unconditional surrender of himself to the will and mercy of the king*, terms which every man knows were almost equivalent to a declaration, that he was doomed to be executed the moment he was taken; and yet Dr Lingard gravely tells us, "Wallace's interests were not forgotten." Had he turned to Langtoft, p. 324, he would have found, that Wallace did, like the rest, propose to surrender himself, on the assurance of safety in life, limbs, and estate; but that Edward cursed him by the fiend for a traitor, and set a price of three hundred marks on his head. This was an attention to his interests with which, we may presume, he would willingly have dispensed.

Letter S, page 81.

The best, and evidently the most authentic, accounts of this memorable siege, are to be found in Langtoft's Chronicle, in Hemingford, Trivet, and Walsingham. Math. Westminster, in his turgid work, entitled "The Flowers of History," has given us a lengthy narrative, interwoven with speeches of his own composition, which he puts into the mouth of Edward. The last scene of the surrender of Olifant is in King Cambyses' vein; but there is a great want of keeping in Mathew's composition. Edward, on receiving the suppliants, and hearing their appeal to his mercy, tells them it is his pleasure that they should be hanged and quartered; after which he burst into tears. The names of the leaders in this defence of Stirling are preserved in Rymer. They are the following:—

Domini Willielmus Olyfard,
Willielmus de Dupplyn, milites,
Fergus de Ardrossan,
Robinus de Ardrossan, frater ejus,
Willielmus de Ramseya,
Hugo de Ramseya,
Radulfus de Haleburton,
Thomas de Knellhulle,
Thomas Lellay,
Patricius de Polleworche,
Hugo Olyfard,
Walterus Olyfard,
Willielmus Gyffard,
Alanus de Vypont,
Andreas Wychard,
Godefridus le Botiller,
Johannes le Naper,
Willielmus le Scherere,
Hugo le Botiller,
Joannes de Kulgas,
Willielmus de Anant,
Robertus de Ranfru,
Walterus Taylleu,
Simon Larmerer,

Frater Willielmus de Keth ordinis Sancti Dominici Prædicatorum,

Frater Petrus de Edereston de domo de Kelsou ordinis Sancti Benedicti.

—Rymer, Fœdera, new edit. p. 966.

The capitulation is dated July 24, 1304.

Letter T, page 82.

The fact, that Wallace's four quarters were sent to different parts of Scotland and England, is mentioned by most ancient historians; but I find the notice of the towns to which they were sent in the MS. Chron. of Lanercost, a valuable historical relic preserved in the library of the British Museum, (Cotton Library, Claudian D. vii. Art. 13),[1] some extracts from which were communicated by Mr Ellis to Dr Jamieson. See Preliminary Remarks to Wallace, p. 12. This is the passage—"Captus fuit Willelmus Waleis per unum Scottum, scilicet per Dominum Johannem de Mentiphe, et usque London ad Regem adductus, et adjudicatum fuit quod traheretur, et suspenderetur, et decollaretur, et membratim divideretur, et quod viscera ejus comburerentur, quod

[1] Since printed by the Maitland Club, and one of their most valuable works.

factum est; et suspensum est caput ejus super pontem London, armus autem dexter super pontem Novi Castri super Tynam, et armus sinister apud Berwicum, pes autem dexter apud villam Sancti Johannes, et pes sinister apud Aberdene."—Fol. 211. See also "Illustrations of Scottish History," p. 54, edited by Joseph Stevenson, Esq., a valuable work presented to the Maitland Club, by Mr Steven of Polmadie.

Letter U, page 83.

Lord Hailes was fond of displaying his ingenuity in whitewashing dubious characters; and his note upon Sir John Menteith is an instance of this. He represents the fact, that his friend Menteith betrayed Wallace to the English, as founded upon popular tradition, and the romance of Blind Harry, Wallace's rhyming biographer; whom, he adds, every historian copies, but none but Sir Robert Sibbald ventures to quote; and, in his Corrections and Additions, he observes, that "his Apology for Menteith has been received with wonderful disapprobation by many readers, because it contradicts vulgar traditions, and that most respectable authority, Blind Harry."

In reply to this it may be observed, that the fact of Wallace being betrayed and taken by Sir John Menteith is corroborated by a mass of ancient historical authority, both from English and Scottish writers, superior to what perhaps could be brought for most other events in our history; and that as these writers lived long *before* Blind Harry, he may have copied from them, but it is impossible they could have copied from him. I shall shortly give the English and Scottish authorities for the fact, and leave the reader to make his own inferences.

We have already seen, from the last note, that the Chronicle of Lanercost Priory, a valuable MS. of the thirteenth century, preserved in the British Museum, Claudian D. vii. 13, and now printed by the Maitland Club, has this passage:—"Captus fuit Willelmus Waleis *per unum Scottum, scilicet per Dominum Johannem de Mentiphe*, et usque London ad Regem adductus, et adjudicatum fuit quod traheretur, et suspenderetur, et decollaretur."[1] We cannot be surprised that Lord Hailes should have been ignorant of this passage, as he tells us, Annals, vol. ii. p. 316. he had not been able to discover where the MS. Chronicle of Lanercost was preserved.

The next piece of evidence, of Menteith's having seized Wallace, is contained in Leland's extract from an ancient MS. chronicle, which Hailes has elsewhere quoted. I mean the Scala Chronicle, preserved in Corpus Christi Library, Cambridge.[2] In Leland's Collect. vol. i. p. 541, we have this passage from the Chronicle:—"*Wylliam Waleys was taken of the Counte of Menteth about Glaskow*, and sent to King Edward, and after was hangid, drawn, and quarterid at London." This is Leland's translation of the passage, which in all probability is much more full and satisfactory in the original. Yet it is quite satisfactory as to Menteith's guilt.

The next English authority is Langtoft's Chronicle, which Hailes has himself quoted in his Notes and Corrections, vol. ii. p. 346. It is curious, and, as to Menteith's guilt, perfectly conclusive:—

"Sir Jon of Menetest sewed William so nehi,
He took him when he wend lest, on nyght his leman bi;
That was thorght treson of Jak Schort his man;
He was the encheson, that Sir Jon so him nam."—P. 329.

We learn from this, that Sir John Menteith prevailed upon Wallace's servant, Jack Short, to betray his master; and came, under cover of night, and seized him in bed, "his leman by," and when he had no suspicion of what was to happen. How Hailes, after quoting this passage, which was written more than two centuries before Blind Harry, should have represented this poor minstrel as the only original authority for the guilt of Menteith, is indeed difficult to determine.

Fordun, who must have been born in the earlier part of the reign of Robert the First, received materials for his history from Wardlaw, bishop of Glasgow. This prelate died in 1386. Say that Fordun concluded his history in 1376, ten years before Wardlaw's death, it will follow that it was ninety-four years before the poem of Blind Harry, the date of whose poem is somewhere

[1] Chronicle of Lanercost, p. 203.

[2] Since this printed by the Maitland Club. The passage will be found at p. 126.

about **1470.** Let us hear how he speaks of the death of Wallace :—

"Anno Domini M.CCCV., Willelmus Wallace *per Johannem de Menteth fraudulenter et prodicionaliter capitur*, Regi Angliæ traditur, Londoniis demembratur."—Vol. iv. p. 996.

Winton, against whose credit as a historical authority Hailes could not possibly have objected, finished his chronicle in 1418, fifty-two years before Blind Harry's poem was written. Yet Winton thus speaks of the capture of Wallace, vol. ii. p. 130 :—

"A thousand thre hundyr and the fyft yere
Efter the byrth of our Lord dere,
Schyre Jon of Menteth in tha dayis
Tuk in Glasco Willame Walays."

And the chapter where this is mentioned is entitled—

"*Quhen Jhon of Menteth in his dayis,*
Dissawit gud Willame Walays."

Bower, the continuator of Fordun, and who possessed his manuscripts, was born in 1385, and is generally believed to have published his continuation about 1447, sixty-two years before Blind Harry's poem. He preserves, however, the very words of his master Fordun, as to the guilt of Menteith, and afterwards refers to him in some additions of his own, as the acknowledged traitor who had seized Wallace. Vol. ii. pp. 229, 243.

With these authors—Fordun, Winton, and Bower—Lord Hailes was intimately acquainted. He has, indeed, quoted the last of them, Bower, on the margin. He must have known that they were dead before the author of the Metrical Romance of Wallace was born. Annals, vol. i. p. 281. And yet he labours to persuade the reader that the tale of Wallace's capture by Menteith rests on the single and respectable authority of Blind Harry! He has also remarked, that he has yet to learn that Menteith had ever any intercourse or friendship and familiarity with Wallace. Whether there was any friendship or familiarity between Menteith and Wallace is not easily discovered, and is of little consequence ; yet that Menteith acted in consort with Wallace, and must therefore have had intercourse with him, is proved by the following passage from Bower, preserved in the Relationes Arnaldi Blair : —"In hoc ipso anno (1298) viz. 28 die mensis Augusti, Dominus Wallas Scotiæ custos, cum Johanne Grahame, et Johanne de Menteith, militibus necnon, Alexandro Scrymgeour, Constabulario villæ de Dundee et vexillario Scotiæ, cum quinquagentis militibus armatis, rebelles Gallovidienses punierunt, qui Regis Angliæ et Cuminorum partibus sine aliquo jure steterunt."[1]

Having given these authorities, all of them prior to Blind Harry, it is unnecessary to give the testimony of the more modern writers. The ancient writers prove incontestably, that Sir John de Menteith, a Scottish baron, who had served along with and under Wallace against the English, deserted his country, swore homage to Edward, and employed a servant of Wallace to betray his master into his hands ; that he seized him in bed, and delivered him to Edward, by whom he was instantly tried, condemned, and hanged. Yet all these circumstances are omitted by Lord Hailes, who appears surprised that vulgar tradition should continue from century to century to execrate the memory of such a man.

Dr Lingard, in his History of England, vol. iii. pp. 328, 329, has attempted to diminish the reputation of Wallace. He remarks, that he suspects he owes his celebrity as much to *his execution* as to his exploits ; that of all the Scottish chieftains who deserved and experienced the enmity of Edward, *he alone* perished on the gallows; and that on this account his fate monopolised the sympathy of his countrymen, who revered him as the martyr of their independence ; he represents the accounts of his strength, gallantry, and patriotic efforts, as given by Scottish writers who lived a century or two after his death, and who therefore were of no credible authority ; and he concludes with an eulogy on the clemency of Edward, who did not forget the interests of Wallace when the rest of his countrymen made their peace with England. These observations will not bear examination ; for, first, it is a mistake to say, that of all the Scottish chieftains who deserved Edward's enmity, Wallace was the only one who perished on the gallows. Sir Nigel Bruce, Sir Christopher Seton, John Seton, the Earl of Athole, Sir Simon Fraser, Sir Herbert de Morham, Thomas Boys, Sir David Inchmartin.[2]

[1] Dr Jamieson, in his Notes on Wallace, p. 403, has ably combated the scepticism of Hailes as to Menteith. The above passage is quoted from the Relationes Arnaldi Blair, and seems to have been a part of Bower's additions to Fordun.

[2] See supra, pp. 94-97.

Sir John de Somerville, Sir Thomas and Sir Alexander Bruce, both brothers of the king, and Sir Reginald Crawfurd, were all hanged by Edward's orders in the course of the year 1306, within a year of the execution of Wallace. So utterly untenable is the ground on which Dr Lingard has founded his conjecture, that Wallace owes his celebrity "to his execution."

His next remark is equally unfortunate. The writers who have given us an account of the exploits of Wallace, did not live, as he imagines, a century or two after his death. John de Fordun, whom the historian, in his note on p. 328, includes amongst these writers, was born, as we have said, early in the reign of King Robert Bruce. He certainly received materials for his history from Bishop Wardlaw, who died in 1386. If we suppose that he began his history thirty years before, and that he was thirty years old when he commenced writing, this will give us 1326 for the year of his birth. So that Fordun was born twenty-one years after Wallace's execution. Even in the most favourable possible way in which the calculation can be taken, Fordun wrote his history only eighty-one years after Wallace's execution; and taking fifty as the average life, it will follow he was born only thirty-one years after that event. Winton finished his history in 1418. He was born probably not more than fifty or sixty years after Wallace's death, and might have received his information from old men who had known him.

As to Dr Lingard's praise of the clemency of Edward towards Wallace, the unsubstantial grounds on which it is founded have been already noticed;[1] but I cannot help remarking, that this historian's whole account of Wallace does little justice to this great man. He begins by throwing a doubt over his early history. "Historians conjecture," he says, "that Wallace was born at Paisley, and they assert that his hostility to the English originated more in the necessity of self-preservation than the love of his country. He had committed a murder, and fled from the pursuit of justice to the woods." Such may be the vague assertion of the English historians; but Bower, an excellent authority, intimates a contrary opinion. He asserts that Wallace's hostility to the English arose from his despair at beholding the oppression of his relations and countrymen, and the servitude and misery to which they were subjected. Fordun a Goodal, vol. ii. p. 169.

He next observes, that after the surprise of Ormesby the Justiciary, by Wallace and Douglas, other independent chieftains arose in different counties, who massacred the English, and compelled their own countrymen to fight under their standards. These other independent chieftains are unknown to the contemporary historians, English or Scottish. But they do not appear upon the stage without a use. On the contrary, they first multiply, like Falstaff's men in buckram, "into numerous parties," and then act a principal part in the next sentence; for the historian goes on to observe, "that the origin and progress of *these numerous parties* had been viewed with secret satisfaction by the Steward of Scotland and Wishart the Bishop of Glasgow, who determined to collect them into one body, and to give their efforts one common direction. Declaring themselves the assertors of Scottish independence, they invited the different leaders to rally around them; and the summons was obeyed by Wallace and Douglas, by Sir Alexander Lindsay, Sir Andrew Moray, and Sir Richard Lundy."—Vol. iii. p. 305. This last sentence has not, as far as I can discover, a shadow of historical authority to support it. The numerous independent parties and chieftains who rose in different counties; the secret satisfaction with which they were contemplated by the Bishop of Glasgow and the High Steward; their determination to collect them into one body, and to give them one common direction; their declaring themselves the assertors of Scottish independence; their summons to the different leaders to rally round them, and the prompt obedience of this summons by Wallace, Douglas, and the rest—are not facts, but the vivid imaginations of the historian: and the impression they leave on the mind of the reader appears to me to be one totally different from the truth. The Steward and the Bishop of Glasgow are the patriot chiefs under whom Douglas and Wallace, and many other independent chieftains, consent to act for the recovery of Scottish freedom, and Wallace sinks down into the humble partisan, whose talents are directed by their superior authority and wisdom. Now, the fact was just the reverse of this. The Steward and Wishart, encouraged

[1] Page 360, letter R.

by the successes of Wallace and Douglas, joined their party, and acted along with them in their attempt to free Scotland; but neither Fordun nor Winton nor Bower give us the slightest ground to think that they acted a principal part, or anything like a principal part, in organising the first rising against Edward. On the contrary, these historians, along with Trivet and Walsingham, Tyrrel and Carte, ascribe the rising to Wallace alone, whose early success first caused him to be joined by Douglas, and afterwards by the Bishop and the Steward, along with Lindsay, Moray, and Lundy. Indeed, instead of playing the part ascribed to them by Dr Lingard, the patriotism of the Steward and the Bishop was of that lukewarm and short-lived kind which little deserves the name. It did not outlive eight weeks, and they seized the first opportunity to desert Wallace and the cause of freedom. The attack upon Ormesby the Justiciary took place some time in May 1297; and on the 9th of July of the same year did Bishop Wishart negotiate the treaty of Irvine, by which he and the other Scottish barons, with the single exception of Wallace and Sir Andrew Moray of Bothwell, submitted to Edward. The historian's other hero, the High Steward, who is brought in to divide the glory with Wallace, was actually in the English service at the battle of Stirling; and although he secretly favoured the Scottish cause, he did not openly join with his countrymen till he saw the entire destruction of Surrey's army. I may remark in concluding this note, that the idea of an attack upon Wallace, and an eulogy of the clemency of Edward, was perhaps suggested by Carte, vol. ii. p. 290; but his clumsy and absurd argument is discarded, and a more ingenious hypothesis is substituted in its place. On reading over Hemingford again, I find one expression which may perhaps have had some weight with Dr Lingard. This historian says, speaking of Bruce, p. 120, that he joined the Bishop of Glasgow and the Steward, "qui tocius mali fabricatores exstiterant." Yet this is inconsistent with his own account in p. 118, and is not corroborated, as far as I know, by any other historian. The reader will find some additional remarks in vindication of Menteith in my friend Mr Napier's excellent Life of his great ancestor, the inventor of the Logarithms, pp. 527-534.

Letter V, page 89.

A MS. in the Cottonian, Vitell. A xx, entitled "Historia Angliæ a Bruto ad ann. 1348," has this passage:—"Anno 1306, Kal. Feb. Robertus de Brus ad regnum Scotiæ aspirans, nobilem virum, J. de Comyn, quod sæ proditioni noluit assentire, in Ecclesia fratrum minorum de Dumfres interfecit; et in festo annuntiationis Virginis, gloriose in Ecclesia Canonicorum regularium de Scone, per Comitissam de Bohan, se fecit in regem Scotiæ solemniter coronari. Nam germanus predicte comitisse, cui hoc officium jure hereditario competebat, tunc absens in Anglia morabatur. Hanc Comitissam eodem anno Angli ceperunt, et in quadam domuncula lignea super murum Castri Berwyki posuerunt, ut eam possent conspicere transeuntes." The original order of Edward for the imprisonment of the Countess of Buchan is to be found in Rymer, Fœdera, vol. ii. p. 1014. Lord Hailes treats the tale of the Countess of Buchan's criminal passion for Bruce with ridicule. If, however, we admit the fact, that the Countess of Buchan, whose brother was in the English interest, and whose husband, according to Hemingford, vol. i. p. 221, was so enraged that he sought to kill her for her treason, did, alone and unaccompanied, repair to Scone, and there crown Bruce, it seems to give some countenance to the story of her entertaining a passion for the king. The circumstance that nothing of this second coronation is to be found in the Scottish historians, Barbour, Winton, or Fordun, rather confirms than weakens the suspicion.

Letter W, page 94.

"Hanc autem Comitissam eodem anno ab Anglicis captam cum quidam perimere voluissent, non permisit rex, sed in domuncula quadam lignea super murum Castri Berewici posita est, ut possent eam transeuntes conspicere."—Trivet, p. 342. Lord Hailes, vol. ii. p. 10, has given an elaborate note to prove the impossibility of there being any truth in Math. Westminster's assertion, p. 455, "that the countess was in open day suspended at Berwick in a stone and iron chamber, formed like a crown, as a gaze to all passengers." He quotes the order preserved in the Fœdera, vol. ii. p. 1014, and then observes, that it is incon-

sistent with the story related by Math. Westminster. I confess that I can see no such inconsistency; on the contrary, the one seems completely to corroborate the other. The place of confinement, as described in the express words of Edward, is "to be *a cage* constructed *in one of the turrets of the castle of Berwick*, latticed with wood, cross-barred, and secured with iron, in which the Chamberlain of Scotland, or his deputy, shall put the Countess of Buchan." Lord Hailes observes, that "to those who have no notion of any cage but one for a parrot, or a squirrel, hung out at a window, he despairs of rendering this mandate intelligible." I know not what called forth this querulous remark; but any one who has observed the turrets of the ancient Scottish castles, which hung like cages, on the outside of the walls, and within one of which the countess's cage was to be constructed, will be at no loss to understand the tyrannical directions of Edward, and the passage of Mathew Westminster. It is worthy of observation, that, in his text, Lord Hailes has wholly omitted to notice the severity of Edward the First to the Countess of Buchan, simply stating, that she was committed to close confinement in England, and characterising Edward's orders as being ridiculously minute. Dr Lingard, vol. iii. p. 377, softens the severity of Edward by a supposition, which appears to me to be inconsistent with the tone and spirit of Edward's order.

Letter X, page 95.

We know by the evidence of a remission under the Great Seal, communicated by Mr Thomson, the Deputy-Clerk Register, to Dr Jamieson, that the delivery of Sir Christopher Seton to the English was imputed to Sir Gilbert de Carrick, but, upon investigation, not altogether justly, "minus juste ut verius intellexi-mus;" and the same remission proves that the castle of Lochdon was, by the same knight, Sir Gilbert de Carrick, deliverd into the hands of the English. Mr Thomson considers the remission as shewing for certain that Sir Christopher had taken refuge in the castle of Lochdon, of which Sir Gilbert de Carrick was hereditary keeper; but this is rather a strong inference than a certainty. The conjecture of the Statistical Account, vol. xi. No. 4, Parish of Urr, in favour of the castle of Loch Urr, seems to be supported by pretty plausible evidence.

Letter Y, page 96.

Dr Lingard observes that some of them were murderers. I know not on what authority he uses the plural "some of them." Sir Christopher de Seton, indeed, is represented by Hemingford, p. 219, as having slain Comyn's brother, Sir Robert; and Trivet, p. 345, points to the same thing in the sentence, "usque Dumfries ubi quendam militem de parte Regis occiderat;" but the historians, Barbour and Fordun, say nothing of it; and I suspect that all that can be proved against Seton, is the being present with Robert Bruce when he stabbed Comyn. Indeed, one MS. of Trivet says, that Seton was condemned on account of a murder committed in a church *with his consent*. See Trivet, p. 345, and the various readings at the bottom. As to the others, I am not aware of a single act of murder which can be brought against them, on the authority either of English or of Scottish historians. The fealty sworn to Edward was extorted from them either by fetters, imprisonment, confiscation, or the fear of death.

Letter Z, page 106.

Lord Hailes has been misled by Rymer, who has erroneously placed a deed entitled "Gilbertus Comes Gloucestrie Capitaneus pro Expeditione Scotiæ," on the 3d December 1309, instead of 1308. He conjectures that the siege was raised. We may, perhaps, infer the contrary, from the orders issued by Edward, on the 12th of May 1309, to most parts of England, and to Ireland also, to provide corn, malt, peas, beans, and wine, for his various castles in Scotland, and in the enumeration of these, Rutherglen is not included. The castles mentioned are, Berwick, Roxburgh, Stirling, Edinburgh, Banff, Perth, Dundee, Dumfries, Caerlaverock, and Ayr. Rotuli Scotiæ, m. x. p. 63. Forfar is also mentioned, in a document dated 3d December 1308, as being at the time in possession of the English.

Letters AA, page 114.

Hume has mistaken the numbers of the English army who fought at Bannockburn, and has been corrected by

Hailes, vol. i. p. 41. Dr Lingard has remarked, that it is impossible to ascertain the exact numbers of Edward's army. He says the most powerful earls did not attend; but he has omitted the fact, that although they did not come in person, they sent their knights to lead their vassals into the field, and perform their wonted services. We may infer from the mention, in the English historians, of the absence of the Earls of Warwick, Surrey, Arundel, and Lancaster, that if any of the other barons or counties had neglected to send their powers, they would have noted the circumstance. The number given by Tyrrel, vol. iii. p. 260, is a hundred thousand men; and it is probable that this is rather under than above the fact.

Letters BB, page 158.

The leonine verses, called Bruce's testament, are as follow:—

"Scotica sit guerra pedites, mons, mossica terra:
Silvæ pro muris sint, arcus et hasta, securis.
Per loca stricta greges munientur. Plana per ignes
Sic inflammentur, ut ab hostibus evacuentur.
Insidiæ vigiles sint, noctu vociferantes.
Sic male turbati redient velut ense fugati
Hostes pro certo; Sic Rege docente Roberto."

I add the Scottish version from Hearne:—

'On fut suld be all Scottis weire,
Be hyll and moss thaimselfe to weire,
Lat wood for wallis be; bow, and spier,
And battle-axe, their fechting gear.[1]
That ennymeis do thaim na dreire,
In strait placis gar keip all stoire,
And birnen the planen land thaim befoire,
Thanan sall they pass away in haist
Quhen that thai find nathing bot waist;
With wylles and wakenen of the nycht
And mekil noyse maid on hycht;
Thanen shall thai turnen with gret affrai
As thai were chasit with swerd away.
This is the counsall and intent
Of gud King Robert's testament."

Letters CC, pages 161 and 239.

In the present volume, the reader will find many references to the Accounts of the Great Chamberlains of Scotland. Two large quarto volumes of these accounts, which contain all that is yet printed, were politely communicated to me by Mr Thomson, the present Clerk Register, to whose learning and enthusiasm the legal antiquities of the country are under deep obligations. Neither of these volumes has as yet been published, as the Preface and Appendix to be subjoined to each is not yet printed; but when completed, the work will be one of the most valuable which has ever been presented to the student of the history and antiquities of his country. The accounts, indeed, are written in Latin, and, from the innumerable contractions, present themselves in a shape somewhat repulsive to the general reader; but they contain a mass of information upon the state of ancient Scotland, its early agriculture, commerce, manufactures, and upon the manners and habits of the people, which is in a high degree interesting and important. From the extreme minuteness of the details, and the perfect authenticity of the records, there is a freshness and a truth in the pictures which they present, nowhere else to be met with. As a corroboration of this remark, let us take the following specimen from the Compotum Constabularii de Cardross, vol. i. pp. 37, 38, 40, 41. 30th July 1329:—

"Item computat in empcione 2 celdrarum frumenti 53 sh. 4 d. Et in empcione 40 celdrarum farinæ 40 lib. boll pro 15 d. Et in empcione 130 celd. et 8 boll. ordei, et brasei ordei, secundum quod computans declarabit 166 lib. 11 solidi; videlicet 40 celdr. pro 40 lib. celdr. pro 20 solidis et 40 celdr. pro 44 lib. celdr. pro 22 solidis et 40 celdr. pro 46 lib. celdr. pro 23 solidis et 30 celdr. pro 36 lib. celdr. pro 24 solidis et 8 boll pro 11 solidis. . . . .

"Item in empcione 77 martorum, 32 lib. In 7 martis emptis, 56 solidi. Et in empcione 20 martorum pro pastu, 100 solidi. Et pro 5 multonibus emptis, 7 solidi et 6 denarii. . . . Et in 36 salmonibus salsis empt. 18 solidi. . . .

"Item pro uno reti empto pro piscibus majoribus et minoribus capiundis, 40 solidi. Item pro maremio empto pro scaffaldis faciendis pro opera novæ cameræ, 3 solidi.

"Item in 6 petros crete empt. pro pictura nove Cameræ apud Cardross, 3 solidi. Et in 10 lib. stanni pro clavis ad reparacionem ipsius Cameræ dealbandis et pro vitreo opere fenestrarum ejusdem, 3 solidi et 4 denarii. Et pro 30 ponderibus bosci ad comburendum pro negociis operis vitrei dictæ cameræ, 2 solidi et 6 denarii. Item pro 1 celdr.

[1] In the translation of "securis," I have adopted Ridpath's conjecture, Border History, p. 290.

calcis albe empta pro dealbacione dictæ cameræ, 8 solidi. . . . .

"Item computat pro fabricatione 80 petrarum ferri pro navibus Domini Regis et Comitis Moraviæ, ac pro aliis negociis manerii de Cardross, 26 solidi et 8 denarii, videlicet pro qualibus petrarum 4 denarii. Item, levantibus mala Domini Regis per tres vices, 3 solidi. Item, pro duccione magnæ navis Domini Regis ab aqua in rivulum juxta manerium, ac pro actiliis ipsius navis cariatis, et portatis in manerium de Cardross, 3 solidi. Item, pro 200 plaustratis petarum in æstate anni 1328, 4 lib. Item, in 200 plaustratis petarum, in omnibus custibus factis circa cariagium earundem usque ad Cardross in anno 1329, 4 lib. . . . . Item pro custodia 61 martorum interfectorum ut patet inferius per tres septimanas, 12 denarii. Item pro interfectione eorundem, 5 solidi. Item in portagio carcosiorum eorundem in lardarium, 12 denarii. . . . . Item Idem computat pro construccione unius porte juxta novam Cameram apud Cardross, 6 denarii. Item pro emendacione et tectura domus cujusdam pro falconibus ibidem cum construccione cujusdam sepis circa ipsam domum, 2 solidi.

"Item in construccione cujusdam domus ad opus *Culquhanorum*[1] Domini Regis ibidem, 10 solidi. Item computat Johanni filio Gun pro negociis navium Domini Regis, 6 lib. 13 solidi et 4 denarii. Item computat 12 hominibus de Dumbar transeuntibus usque le Tarbart, pro magna nave Domini Regis reducenda, 28 solidi. Item in expensis hominum transeuncium cum Patricio stulto veniente de Anglia usque le Tarbart, 18 denarii."

Even within the small limits of this extract, it will be seen that much curious and interesting information is to be found. The prices of grain, and the quantities furnished for the consumption of the royal household at Cardross, (it will be recollected that Robert Bruce spent there the two last years of his life, 1328, 1329;) the prices of the provisions for the larder, which consisted of marts, sheep, salted salmon, and numerous other articles not in this extract, enable us to form a pretty correct idea of the mode of living at this time. From the next passage, we are not only able to glean some information as to the state of the necessary and ornamental arts, but we obtain, at the same time, an interesting view of the occupations of this great king during the last year of his life. We see him and his illustrious nephew, Randolph, employing their rural leisure in experiments in shipbuilding and navigation, although the circumstance that one of the king's *great* ships could be hauled from the firth to the running stream (rivulum) beside the manor of Cardross, gives us a very contemptible idea of the size of these vessels. The house for the king's hawks, and the expenses paid for the journey of Patrick the Fool, from England to Tarbet, are examples of the entries in these records which throw light on the manners of the times. Of the obscure sentence regarding the house which was constructed "*ad opus culquhanorum domini regis*," I am unable to give any explanation, in addition to the conjecture in the note; but innumerable other passages might be selected, which would prove the high interest and value of these accounts.

The first volume contains 543 pages, and its contents, as described in page 2, are as follows:—

"1. The Preface to the volume, with an Appendix.

"2. Extracts from a roll of accounts in the reign of Alexander the Third, A.D. MCCLXIII.—MCCLXVI., and from a roll of accounts during the Interregnum, A.D. MCCLXXXVIII.—MCCXC. From the originals, now lost, by Thomas, earl of Haddington, clerk register in the reign of James the Sixth.

"3. The accounts of the Great Chamberlains of Scotland, and of the other officers of the Crown, now remaining in his Majesty's General Register House, arranged in the order of time, from the twentieth year of the reign of Robert the First, A.D. MCCCXXVI., to the death of David the Second, A.D. MCCCLXX."

The second volume extends to 679 pages. Its contents are as follows:—

"1. Preface to this volume.

"2. The accounts of the Great Chamberlains of Scotland, and of the other officers of the Crown, now remaining in his Majesty's General Register House, arranged in the order of time, from the accession of Robert the Second, A.D. MCCCLXX., to the death of Robert the Third, A.D. MCCCCVI."

[1] An obscure word which occurs nowhere else—conjectured by a learned friend to be "keepers of the dogs," from the Gaelic root, Gillen-au-con—abbreviated, Gillecon, Culquhoun.

The third volume contains the accounts of the Great Chamberlains of Scotland, and some other officers of the kingdom, from 1406 to 1435.

LETTERS DD, p. 164.

Death of Randolph.

Barbour, the metrical historian of Bruce, whose work is of the highest authority, informs us that Randolph was poisoned, without adding any particulars.

"The lave sa weill mantenyt he,
And held in pess swa the countre,
That it wes nevir or his day
Sa weill, as I herd auld men say.
Bot syne, allace! pusonyt wes he;
To see his dede was gret pite."
—BARBOUR, p. 423.

Barbour is generally believed to have been born about 1316, and, according to Lord Hailes' conjecture, was fifteen years old at the period of the death of Randolph. On what grounds are we entitled to set aside such an authority?

Winton is supposed, by his able editor, M'Pherson, to have been born about the year 1350, (Preface to Winton's Chronicle, p. 19,) only eighteen years after the death of Randolph. He composed his Chronicle in his old age, having commenced it in 1420, and finished it in 1424. (Ibid. p. 22.) His account is as follows:—

"Tharefore with slycht thai thoct to gere
Him wyth wenenous fell poysown
Be destroyid, and fel tresown
And that thai browcht swn til endyng
Be swn tresownabil wndertakyng;
For at the Wemyss, by the se,
Poysownyd at a fest wes he."
—Vol. ii. p. 146.

This is clear and direct testimony also. Let us next turn, not to Fordun, for he omits all mention of the circumstance[1] of the poisoning, and simply states the death of the Regent, but to his continuator, Bower, who, as we learn from himself, was born fifty-three years after the death of Randolph,[2] in the year 1385. "Et ideo," says he, speaking of the designs of the disinherited barons against Randolph, "novam artem confixerunt, et ut Italici ferunt, bello tradimento verius vili effecerunt, ut quidam Anglicus religione corruptus *dicto custodi familiaris capellanus*, sibi venenum in vino propinaret. Quod et factum est ut supra." Lord Hailes, in opposition to these authorities, pronounces the story of the death of Randolph by poison to be a silly popular tale, and affirms that he was afflicted in the decline of life with a confirmed stone; that in the progress of the disease he became gradually worse, was seized with colic pains, and at length died. But this circumstance of Randolph being afflicted with the stone, as well as the minute detail of the progress of the disease, on which Lord Hailes' whole theory proceeds, is not supported by an atom of authentic evidence. It rests solely on the authority of *Hector Boece*, whom Lord Hailes, in almost every page, represents, and truly represents, as a romancer, who is unworthy of all credit. Barbour, Winton, and Bower say not a word of it, but describe Randolph as being in the active discharge of his duties as governor, when he was suddenly cut off by the treachery of his enemies. Why, then, should the historian adopt the story of an author whom none can trust, and whom, on other subjects, he never trusts himself, in preference to the positive averment of authentic writers? As for poor Hector, he is treated rather cavalierly, being first compelled to act as an ally, and then summarily put down as a fabricator. In speaking of the Scottish historians, we must be careful to separate Boece and his followers from those who flourished before him. The last class, including Barbour, Winton, Fordun, and Bower, are valuable; the first, full of invention and apocryphal details. For instance, Lord Hailes observes, that the Scottish historians pretend that Randolph was poisoned by a vagrant monk from England, and that this was executed with the knowledge of Edward the Third. Now, neither Barbour, nor Winton, as we see, say a word of Randolph being poisoned by a monk, far less an English monk; and Fordun, although he lays the crime on an English chaplain, does not allege that Edward was privy to the plot. Boece, however, and those who followed him, assert both facts.

[1] Fordun a Hearne, p. 1018.

[2] Lib. xiv. chap. 1.

LETTERS EE, page 171.

Death of Seton.

Lord Hailes, in his Annals, has omitted the circumstance of Edward the Third having hanged the son of Sir Alexander Seton, reserving it as a historical problem,

to be treated of in a separate dissertation. In that dissertation, given in the appendix, the fact of Seton's death is established beyond doubt, yet in future editions the scepticism of the text is retained. The result of the dissertation is satisfactory in one way, as it proves that Winton and Fordun are corroborated in every particular by the narrative of the Scala Chronicle. Their account, also, of Seton being governor of the town, is confirmed by the testimony of the Chamberlains' Accounts.

LETTERS FF, pages 172 and 323.

Battle of Halidon Hill.

Extract from a MS. Chronicle of England, down to the time of Henry the Fifth, by Douglas, a monk of Glastonbury. Harleian, 4690, fol. 79.

Ande the Scottes come in this araye in iiii bateilles ageste the II. kingges of Englond and Skottelond, as it is schewed herafter plenely by the names of the Lordes, as ye mough se in this nexte writingge.

In the forewarde of Skottelonde, weren thes Lordes whas names folowenne :—

The Erle Moreffe.
James Friselle.
Simonde Friselle.
Water Stywarde.
Ranolde Cheyne.
Patrick Graham.
Jonne Graunte.
James Cardeille.
Patrick Parkers.
Robert Caldecotes.
Philip Meldrum.
Thomas Kyrye.
Gilbarde Wiseman.
Adam Gurdun.
James Gramat.
Roberte Boyde.
Hugh Parke.

} With forty knightes new dubbede, vi^c men of armes, and xiii^m comunes.

In the first parte of the halfe hendeward of the bateille, weren these Lordes folwing :—

Stywarde of Scottelonde.
Erle Moneteth.
James hes unkelle.
William Donglas.
David Lindesaye.
Malcome Flemyng.
Wm. Kethe.
Dunkan Kambel.

} With thritty bachelers new dubbede.

In the seconde parte of the halfe hendewarde of the bateilles, wer thes Lordes :—

James Stywarde of Colden.
Alan Stywarde.
William Abbrelim.
William Moris.
Robert Walham.
Jon fitz William.
Adam Mose.
Water fitz Gilberte.
Jon Cherton.

In the III. warde of the bateilles of Skotelonde, weren these Lordes folowinge :—

The Erle of Marre.
The Erle of Rosse.
The Erle of Straherne.
The Erle of Southerlande.
William Kirkeley.
Jonne Cambron.
Gilbert Haye.
William Ramseye.
William Prentegeste.
Kirston Harde.
William Gurdon.
Arnalde Garde.
Thomas Dolfine.

} With forty knightes newe dubbede, ix men of armes, and xv^m comiuers.

In the IIII. warde of the bateilles of Skotelonde, were these Lordes whose names folowe :—

Archibald Donglas.
The Erle of Levenax.
Alesaunder Brus.
Erle of Wiffe.
Jonne Cambell, erle of Athelle.
Roberte Laweder.
William Vipont.
William Launston.
Jonne Lavels.
Gilbert Schirlowe.
Jonne Lindesay.
Alesaunder Gray.
Ingram Umfreville.
Patrick Polles worthe.
David Wymes.
Michel Scotte.
William Landy.
Thomas Boys.
Roger Mortimer.

} With xxx bachelers, ix^c men of armes, xviii^m and iiii^c comiuers.

The Erle of Dunbar, keeper of the castle of Berwicke, halpe the Scottes with 50 men of armes. Sir Alisaunder Seton, keeper of the towne of Berwicke, halpe the Scottes with an hundred men of armes ; and the comens of the town, with iiii men of armes, x^m and viii^c fote menne. The sum of Erles and Lordes amounteth lxv. The sum of bachelers new dubbede, a c. and xl. The sum of

men of armes, iiim vic and i. The sum of cominers iiii score m. and iic. The sum total of alle the pepelle amounteth iiiixx m. xvm and vc and v.

And these forsaid fifty five grete Lordes, with iiii bateilles, as it is before descrivede, come alle a fote. And Kinge Edwarde of Englonde, and Kinge Edwarde of Skottelonde, had well pairalled ther folke in iiii bateilles on fote, also to fighte agenste ther enemys. And then the Englische mynstrelles beten ther tabers, and blowen ther trompes, and pipers pipeden loude, and made a grete schoute uppon the Skottes, and then hadde the Englishe bachelers, eche of them ii winges of archers, whiche at that meeting mightly drewen ther bowes, and made arowes flee as thick as motes on the sonne beme, and so thei smote thei Skottes, that they fell to grounde by many thousands. And anone, the Skottes began to flee fro the Englishe menne to save ther pere lyves; butt whan the knaves and the Skottishe pages, that weren behinde the Skottes to kepe ther horses, seyen the discomfiture, thei prikened ther maisters horses awey to kepe themselfe from perille, and so thei towke no hede of ther maistars. And then the Englishe men towken many of the Skottes horses, and prikeden after the Skottes, and slewe them downe righte. And ther men might see the nowbell Kinge Edwarde of Englonde and his folke, hough mannefully they chaseden the Skottes; whereof this Romance was made.

There men mighte well se
Many a Skotte lightly flee;
And the Englische after priking
With sharp swerdes them stiking.
And then ther baners weren founde
Alle displayde on the grounde,
And layne starkly on blode
As thei hadde fought on the flode.
But the Skottes ill mote thei
Thought the Englisch adrenit schulde be,
For bicause thei might not flee.
But if thei adrenite schulde be,
But thei kepte them manly on londe,
So that the Skottes might not stonde,
And felde them downe to grounde
Many thousandes in that stounde,
And the Englishe men pursuyed them so
Tille the flode was alle a-goo.
And thus the Skottes discomfite were,
In litell tyme with grite feere,
For no notherwise did thei stryve
But as xx schepe, among wolfes fyve,
For v of them then were
Agenste ane Englischeman there;
So there itte was welle semyng
Thatte with multitude is no scomfiting.
Butt with God fulle of mighte
Wham He will helpe in trewe fighte.
So was this bi Goddes grace
Discomfiture of Skottes in that place
That men cleped Halidoun hille.
For ther this bateill befelle
Atte Berwicke beside the towne,
This was do with mery soune
With pipes, trompes, and nakers thereto,
And loude clarionnes thei blew also;
And there the Skottes leyen dede
xxx m. beyonde Tweed,
And v. m. tolde thereto
With vii c. xii and mo;
And of Englischemen but sevenne,
Worschipped be God in hevenne!
And that were men on fote goyng
By fely of ther oune doyng.
On Seinte Margete-ys eve, as I yow telle,
Befille the victory of Halidoune hille.
In the yere of Gode almighte
A m. iii. c. and ii and thritty.
Atte this discomfiture
The Englische knightes towke ther hure
Of the Skottes that weren dede,
Clothes and habergiounes for ther mede,
And watteever thei might finde,
On the Skottes thei lefte not behinde
And the knaves by ther purchas
Hadde ther a mery solas,
For thei hadde for ther degree
In alle ther lyffe the better to be.
Alle thus the bateille towke ending,
But I cannot telle of the ymgoing
Of the two kinges, where thei become,
And whether thei wenten oute, or home.
But Godde that is heven King
Sende us pes and gode ending!

Letters GG, page 192.

Battle of Durham.

Lord Hailes, (Annals, vol. ii. p. 218,) in his observations on the conduct of the Steward of Scotland at the battle of Durham, has this passage:—"Boece, book xv. fol. 324, has been pleased to assert that the Steward and the Earl of March, perceiving the forces under their command were dispirited, and unwilling to fight any longer, withdrew them to a place of safety." He adds, "that this retreat was the cause of all the disasters which ensued." He then observes, that the proper vindication of the Steward is, that the narrative of Boece, although not altogether of his own invention, has no warrant from Fordun, or from any English historian of considerable antiquity. I have no desire to support the character of Boece, the most apocryphal of all our historians; but as I have differed entirely, in this part of the history, from the view given of this battle by Lord Hailes, it is necessary to observe, that this has been done on authentic grounds; and.

first, it is to be observed, that Fordun's account of the battle of Durham, instead of giving no support to Boece, describes the flight of the Steward and the Earl of March in strong expressions. "Omnibus captis," says he, "exceptis Patricio de Dunbar et Roberto Sever Scotis, *qui fugam capientes illœsi abierant.*"—Fordun a Hearne, p. 1038. The *Scala Chronicle*, a contemporary English authority, from which Leland gave extracts in his Collectanea, and which has since been printed, also corroborates the account of Fordun. "The Counte of March and the Seneschal of Scotland fled." To say that the Steward fled from the field without striking a blow, would be highly inaccurate, for we know from Winton that he sustained great loss; but that, seeing the day on every side going against them, he and the Earl of March effected their retreat without attempting to rescue the king, seems to be the fact; and it is quite evident that David never forgave it.

LETTERS HH, page 218.

The Record of the proceedings of the Parliament held at Perth on the 13th of January 1364 is valuable, and has never yet been published; I therefore subjoin it, from the cancelled volume "Robertson's Parliamentary Records."

Apud Perth in Domo fratrum predicatorum die tercio decimo mensis Januarii anni domini millesimi trecentesimi sexagesimi quarti.

Constitutis et comparentibus coram domino nostro rege tanquam in suo consilio generali venerabilibus in Christo patribus dominis Sancti Andree Donkeldensis, Brechynensis, Rossensis, et Candide case ecclesiarum, episcopis De Dunfermelyn de Aberbroth de Passeleto de Scona de Kylwynnyne et de Cupro abbatibus Et dominis Roberto seńescallo Scocie Comite de Stratherne, Willielmo Comite de Rosse, Johanne Senescallo domino de Kyle, Willielmo de Keth marescallo Scocie, Roberto de Erskyn, Archembaldo de Douglas, Hugone de Esglyntoun, Waltero et Alexandro de Haliburtoun, Dauid de Grame, Alexandro Senescallo, Willielmo de Dyssyntoun, Rogero de Mortemer, Dauid Fleming, Dauid de Anandia, et Roberto de Ramesay militibus, Alano de Erskyn, Malcolmo Fleming, Willielmo de Nevbyggyng, et Willielmo de Melgdrom, Johanne Wygmer, Adam Tor, Johanne Crab, Adam Pyngle, Johanne Mercer, Johanne Gil, Willielmo de Harden, et Eliseo Falconier, Conuocatisque aliis ad huiusmodi consilium vocari consuetis et ad negocia infrascripta citatis et recitatis articulis siue punctis reportatis a tractatu nuper habito cum rege et consilio Anglie per nuncios vltimo illuc missos videlicet Dominum Willielmum episcopum Sancte Andree Dominum Robertum de Erskyn militem Magistros Walterum de Wardlau et Gillebertum Armistrang prout continetur inferius fuit per modum qui sequitur concordatum videlicet Quod eorum omnium plena fuit intencio et assensus quod tractatus super bona pace reformanda et habenda perpetuo cum rege et regno Anglie acceptetur per vias modos et condiciones subscriptas, et quod si tractatus huiusmodi super pace forte deficiat, fiat tractatus super treugis habendis per redempcionem regis soluendam, si possit haberi vt inferius est contentum ad quod nuncium faciendum eosdem prenominatos nuncios concorditer elegerunt.

Primo quidem quo ad primum articulum seu punctum reportatum vt permittitur quod scilicet dominis exheredatis existentibus in Anglia de regno Scocie restituantur terre sue *ita ordinatum est ad tractandum* quod quinque persone *alias nominate in diuersis tractatibus* videlicet Comes Atholie, domini de Percy, de Beaumont, de Talbot, et de Ferrers, *pro bono pacis* rehabeant terras suas Eciam pro bona pace habenda quod aliis diuersis videlicet Dominis Godfrido de Roos Patricio Macowlach Edwardo de Lechmere et Willielmo de Westheryngton sint sue hereditates restitute et quod dominus Alexander de Mowbray habeat ad summam centum marcatarum terre Etiam quod illi de regno Scocie qui fuerunt ad pacem regis Anglie videlicet existentes in Marchiis gaudeant terris suis Eciam quod ad terras quas vendicant heredes quondam domini de Walris infra regnum Scocie videtur prenotatis dominis super ipsis esse tractandum et quod si de aliis punctis concordari poterit ad bonam pacem non esse sic standum per hoc vt aliis concurrentibus impediatur tractatus.

Secundo quo ad terras concedendum *filio juniori* regis Anglie concordatum fuit sic esse tractandum quod mille librate terre infra Galwydiam que fuit

hereditas quondam Edwardi de Balliolo concedantur eidem hereditarie eciam et similiter de Insula de Man que est valoris mille marcatarum cum tenendiis et pertinenciis earundem quod si ad hoc concordari non possit quin Comes de Salisberi habeat dictam insulam per ipsum tractatum concedatur et tractetur quod dicto filio regis Anglie loco illarum mille marcatarum de Man mille marce stirlingorum per annum de certis redditibus hereditarie sint concesse quousque terre ad eundem valorem sibi valeant assignari ita tamen quod viterque pro eisdem terris sit homo legius domini nostri regis Scocie.

Tertio quod pro bona pace habenda et omnimodis accionibus et reprobacionibus finaliter sedandis ad hoc tractetur secundum quod nuncii domini nostri regis viderint melius expediri vt dominus noster rex faciat guerram fieri ad tempus infra aliquas partes Hybernie ad quas sui commodius accedere poterunt per potenciam vias et modos rationabiles et possibiles consideratis marchiis regni Scocie et Hybernie quibus sibi et suo consilio visum fuerit faciendum.

Preterea de tractatu habendo super pace reformanda si forte premissa omnia non sint accepta per partem aduersam, nec vellet per hoc assentiri ad pacem, volunt predicti domini et vnanimi consensu concordarunt antequam bona pax et perpetua relinquatur, omnino, quod concedatur solucio redempcionis debite tollerabiliter facienda, nec non mutua confederacio regnorum perpetuo, quamuis non per equalem potenciam, que tamen nullo modo sapiat seruitutem, vna cum omnibus supradictis si eorum aliqua nullo modo recindi valiant modificari uel minui per fidelem industriam tractatorum verum concessio terre vallis Anandie que petita est alias relinquitur regie voluntati.

Ceterum concordauerunt predicti domini congregati si forte defecerit tractatus pacis per vias pretactas tractandum esse super treugis et solucione redempcionis reformanda sic scilicet primo quod pro remissione et sedacione omnium penarum et reprobacionum remittantur penitus vinginti mille marche iam solute et deinde quod soluantur per annum quinque mille marche quousque sexies vinginte mille marche sint solute treugis durantibus pro tempore solucionis predicte viz. ad vinginti quatuor annos que si non valeant acceptari tractetur postea quod centum mille libre soluantur pro omnibus supradictis remittendo etiam vt supra viginti mille marchas solutas et incipiendo de nouo vt omni anno soluantur quinque mille marche prorogatis treugis pro toto tempore solucionis vt supra quibus omnibus forte deficientibus affirmetur finaliter quod dictis viginti mille marchis solutis omnino remissis soluantur centum mille marche infra decem annos quolibet anno videlicet decem mille marche prout in primo tractatu super deliberacione regis extitit concordatum.

Item ordinatum fuit per dictum consilium quod pecunia pro redempcione soluenda sic leuetur vt scilicet tocius lane regni custuma ad summam octo mille marcharum per annum ad minus ascendere estimetur, que vero custuma si tanta fuerit vel vberior per certos burgenses committendos per regem et eciam per literas sub communi sigillo burgorum de quibus fuerint et sub periculo communitatum eorumdem recipiatur in Flandria in moneta regis Anglie ita tamen quod sit aliquis sufficiens ex parte regis ibidem qui astet continue et examinet ad domum ponderandi et sic fiat ibi solucio de octo mille marchis per annum vt in dicto primo tractatu est contentum ita quod intelligatur dicta solucio fieri si processum fuerit ad vltimam viam soluendi aliis recusatis.

Item ordinatum fuit quod fiat eciam contribucio omni anno, durante dicto decennio, sex denariorum de libra per totum, que leuetur per certos collectores annuatim eligendos, nulle persone parcendo, de qua per camerarium et aliam sibi per regem adiungendam personam sumantur. primo ante omnia alia, due mille marche per annum ad solucionem dictarum decem mille marcharum redemcionis complendum, residuum ipsius contribucionis permaneat cum camerario pro necessariis sumptibus domini nostri regis. manuceperunt eciam et efficaciter promiserunt prenominati domini omnes et singuli quod tractatum pacis siue treuge que dicti nuncii inient siue perficient cum rege Anglie et suo consilio per modos et vias prenotatas approbabunt ratificabunt confirmabunt et sub pena reprobacionis et periurii perficient in omnibus et inuiolabiliter obseruabunt et eciam quod ordinacionem factam pro contribucione leuanda et solucione redempcionis facienda tenebunt fideliter et implebunt nec ipsam in se vel in suis hominibus impedient aut ei in aliquo contradicent.

Similiter quod non impetrabunt nec exigent clam vel palam pro se vel pro aliis a domino nostro rege aliquas terras wardas releuia vel maritagia finis vel escaetas medio tempore contingentes sed remanebunt integre in manibus camerarii ad vtilitatem regis vna cum residuo dicti contribucionis vt est dictum in casu quo per dictam vltimam viam concordetur super treugis et summa redempcionis soluenda et quia si premissa non seruarentur sed procederetur forsitan in oppositum eorumdem manifeste sequeretur annullacio contractus initi in obprobrium et graue dispendium regis prelatorum et procerum necnon destruccionem tocius communitatis regni.

Promiserunt omnes et singuli dicti domini congregati fideliter et tactis sacrosanctis euuangeliis personaliter iurauerunt quod contra quemcunque premissa vel premissorum aliquod infringentem impedientem seu contradicentem in aliquo cum sua tota potentia insurgent concorditer tanquam contra rebellem regis et rei publice subuersorem ac ipsum infractorem impeditorem seu contradictorem ad obseruacionem predictorum compellent sub pena reprobacionis et periurii vt premittitur et sub pena pariter fidelitatis sue infracte contra regiam maiestatem In cuius rei testimonium sigilla prenominatorum prelatorum et sigilla dicti domini Senescalli Scocie Comitis de Stratharne et domini Patricii Comitis Marchie et Morauie et domini Willielmi Comitis de Douglas qui ad premissa omnia et singula suum consilium adhibuerunt et consensum in presencia domini nostri regis apud Edenburgh corporali prestito iuramento licet personaliter non interfuerit cum ordinarentur primitus apud Perth vna cum sigillis domini predicti Comitis de Ross et aliorum procerum predictorum nec non communibus sigillis burgorum de Edinburgh Abriden Perth et Dunde presentibus sunt appensa Acta et data anno die et loco predictis.

Letters II, page 221.

ORDINATIO CONSILII.

Octauo die Maii anni millesimi trecentesimi sexagesimi sexti apud monasterium Sancti Crucis.

Fuit per consilium ordinatum In primis quod cum super quatuor punctis videlicet homagio, successione, regni demembracione, ac subsidio gencium armorum perpetuo, per regnum Scocie regno Anglie et eciam infra propria duo regna et vltra per regnum Scocie extra regnum Anglie impendendo, fuisset aliquandiu tractatum, *finaliter refutatis primis tribus punctis tanquam intollerabilibus et non admissibilibus deliberatum* extitit fore super quarto puncto tractandum per nuncios a parlamento mittendos cum modificacione possibili habenda super eodem quarto puncto et in casu quo per quartum punctum tolerabiliter modificatum finalis pax haberi non valeat vt petitur deliberatum, extitit quod iterum taxentur secundum verum valorem et antiquum per totum regnum terre et redditus tam ecclesiastici quam alii, et ipse taxaciones ad parlamentum presententur, et eciam quod scribatur vicecomitibus quod ad certos dies sibi nominandos in scripto citari faciant coram ipsis diuites patrie et plebanos qui ad parlamentum non erunt, nec voluerunt permittere interesse ibidem, ad quos dies eciam erunt certe persone deputande per regem vel camerarium, et queratur a quolibet singillatim et ponatur in scripto quantum quisquis dare voluerit gratis ad redempcionem regis infra tres annos proximo futuros complete soluendam, et ipse donaciones ibidem pariter presententur, ad finem quo dicto tractatu pacis deficiente, habeatur saltem in fine quatuor annorum quibus treuge sunt iam firmate totum residuum redempcionis Domini nostri regis in promptu soluendum vt vitari valeant omnes reprobaciones et pene si que per partem aduersam possent inpingi vel peti per instrumenta super magnis treugis et liberacione regis confecta.

DE MONETA FABRICANDA.

Item quod fabricetur moneta de materia iam allata in regnum *talis qualem fecit magister Jacobus in pondere* et metallo ita quod in hiis equipolleat monete currenti in Anglia et fiat in ipsa signum notabile per quod possit ab omni alia prius fabricata euidenter cognosci quousque in proximo parlamento possit super hoc maturius auisari Et interim super mercede monetarii et operariorum conueniat camerarius pro parte regis cum ipsis prout melius poterit conuenire.[1]

1 Robertson's Parl. Records, pp. 104-105.

Letters KK, page 223.

Parlamentum tentum apud Sconam vicesimo die Julii anno gracie millesimo trecentesimo sexagessimo sexto et regni Domini nostri regis Dauid tricesimo septimo summonitis et vocatis more debito et solito episcopis abbatibus prioribus comitibus baronibus libere tenentibus qui de Domino nostro rege tenent in capite et de quolibet burgo certis burgensibus qui ad hoc fuerunt ex causa summoniti comparentibus omnibus illis qui debuerunt potuerunt vel voluerunt commode interesse absentibus vero quibusdam aliis quorum aliqui legitime excusati fuerunt aliqui vero quasi per contumaciam absentarunt videlicet Willielmus Comes de Rosse Hugo de Ross Johannes de Insulis Johannes de Lorn et Johannes de Haye.

Cum ipsum parlamentum principaliter inter cetera fuerit statutum ad deliberandum de consensu et assensu illorum quorum supra super tractatu pacis habendo cum rege et regno Anglie in forma et super punctis vltimo reportatis per nuncios et super plenaria solucione redempcionis domini nostri regis facienda in fine treugarum iam per triennium duratarum in casu quo pax interim reformari aut vlteriores treuge haberi non poterunt et super necessariis expensis regis et suorum nunciorum tunc mittendorum in Angliam Primo et principaliter super negociis pacis fuerat ordinatum quod nuncii adhuc mitterentur in Angliam qui fuerunt nuper illic videlicet dominus episcopus Sancti Andree Dominus Robertus de Erskyn Magister Walterus de Wardlau et Gillebertus Armistrang sicut aliam planam commissionem habentes ad tractandum de pace vt bona et perpetua possit firmari inter regna concedendo omnia que in primo instrumento facto sub sigillis dominorum fuerunt pro pace concessa et vltra tractando super quarto puncto videlicet subuencione guerratorum mutuo facienda quanto melius et ad minus grauamen fieri poterit sicut in vltimo instrumento sub sigillis vt supra inde facto super eodem puncto onerati fuerunt.

Et vlterius hoc tractatu deficiente ad tractandum super prorogacione treugarum ad viginti quinque annorum exitum soluendo summam redempcionis que restat soluenda videlicet quolibet anno quatuor millia librarum vt habebatur alias in tractatu. Quantum vero ad secundum punctum sic ordinatum fuit, quod cum iam habeatur in certo per presentaciones hic factas tam antique extenti quam veri valoris omnium reddituum ecclesiarum et terrarum tam ecclesiasticarum quam mundanarum taxentur eciam omnia bona burgensium et husbandorum preter oues albas ad presens, et infra festum natiuitatis beate virginis proximo futurum apud Edinburgh consilio presententur et tunc habita totali summa veri valoris omnium bonorum tocius regni ordinabatur contribucio leuenda generaliter et adequabitur libra libre vt leuentur extunc incontinenti octo mille marce ad expensas regis et ad eius debita soluenda in regno, et ad expensas nunciorum et non plus, cum magna custuma ordinetur ad dictam solucionem quatuor mille librarum pro redempcione vt premittitur facienda quousque nuncii reuertantur et ex hoc posset ordinacio quo ad tercium punctum videlicet. Quod cum dominus noster rex ordinauerit pro certiori magnam custumam suam ad solucionem dictarum quatuor mille librarum pro sua redempcione facienda, per annum, dicte quatuor mille libre leuentur de dicte contribucione leuenda et duo millia marcharum eciam de eadem contribucione mille marche videlicet ad soluenda debita regis et ad expensas suas interim faciendas et mille marce ad expensas nunciorum que quidem duo millia marce sic mutuata fuerunt vt haberentur in promtu videlicet per barones mille marche per clerum sexcente marche et per burgenses quadringinte marce que sibi refundentur cum dicta contribucio fuerit leuata. Plegiis ad solucionem faciendam burgensibus Domino Roberto de Erskyn et Domino Walterro de Bygar camerario Scocie.

Et fuit in dicto parlamento ad instanciam trium communitatum per regem expresse concessum et eciam publice proclamatum primo quod vnicuique fiat communis iusticia sine fauore cuiquam faciendo et absque accepcione cuiuscunque persone et quod litere que emanauerint de capella regis aut aliter per alios ministros quibus incumbit facere iusticiam pro iusticia facienda non reuocentur per quascunque alias literas sub quocunque sigillo sed quod liceat ministris quibus tales litere destineantur ipsis non obstantibus iusticiam facere ac ipsas remittere indorsatas.

Item quod cum communitates se iam onerauerint ad tam onerosam solucionem faciendam tam pro redempcione domini nostri regis facienda, quam pro ipsius et nunciorum suorum necessariis et expensis, nichil de hiis que ad hoc ordinantur applicetur ad vsus alios quoscunque ex dono remissione vel aliter sed solum ad ea ad que sunt vt premittitur singulariter ordinata.

Item quod viri ecclesiastici et terre sue elemosinate gaudeant suis libertatibus et priuilegiis et quod nulla alia onera vel imposiciones sint eis imposite vltra onera in parlamento concessa et si qui sint impeditores assedacionis decimarum quod arceantur per regem ad querelam ipsorum qui in hoc grauati fuerint sic quod suis decimis possint pacifice et cum integritate gaudere sub pena excommunicacionis quo ad clerum et decem librarum penes regem.

Item quod nichil capiatur a communitatibus ad vsus regis sine prompta solucione nec eciam aliqua capiantur ad pricam nisi vbi et secundum quod fieri consueuit et debet fiat infra tempus consuetum et debitum solucio prompta et debita pro eisdem.

Item quod isti rebelles videlicet de Atholia Ergadia Baydenach Lochaber et Rossia et alii si qui sint in partibus borealibus aut alibi arestentur per regem et ipsius potenciam ad subeundam communem iusticiam et ad contribucionem specialiter exsoluendam et aliter corigantur prout ad pacem vt vtilitatem communitatis et regni magis fuerit oportunum.

Item quod omnes officiarii regis videlicet vicecomites et alii inferiores ministri tam infra burgum quam extra obediant camerario et aliis superioribus ministris sub pena amocionis eorumdem ab ipsorum officiis sine spe restitucionis imposterum ad eadem.

Item quod non mittantur aliqui cum equis ad perhendinandum cum religiosis rectoribus vicariis aut husbandis nec aliqui cum quibuscunque equis mittantur in patriam qui consumant bona blada vel prata husbandorum vel aliorum aut aliquis hoc facere presumat sub pena que pro huiusmodi debet infligi pro quantitate delicti et qualitate persone.

Item quod remissiones regis concesse vel concedende pro quibuscumque transgressionibus sint casse et nulle nisi satisfiat parti infra annum a data earundem nisi forte manifeste steterit per illos quorum interest et de hoc illi quibus concesse fuerint remissiones huiusmodi fecerint sufficientur doceri.

Item quod camerarius faciat in singulis burgis iuxta locorum facultates de hospitiis competentibus prouideri.

Item quod nullus prelatus comes vel baro vel alius cuiuscunque condicionis existat ecclesiasticus vel secularis equitet cum maiori familia in personis vel equis quam deceat statum suum ad destruccionem patrie quodque nullus ducat secum lanceatos vel architenentes equitando per patriam nisi causa rationabilis subsistat de qua ministris regis super hoc questionem facientibus fidem facere teneantur sub pena incarceracionis corporum eorundem.

Item quod quilibet iter faciens siue moram per regnum solucionem faciat suis hospitibus et aliis de quibuscunque receptis et expensis suis vtrobique rationabiliter et secundum forum patrie sic quod exinde nulla iusta querimonia audiatur sub pena.

Item quod dominus noster rex faciat omnia et singula prenotata sub sigillo suo in scripto redigi et per singulos vicecomites puplice proclamari.*

LETTERS LL, page 224.

Acta in parlamento tento apud Sconam vicesimo septimo die mensis Septembris cum continuacione dierum anno gracie millesimo trecentesimo sexagesimo septimo conuocatis tribus communitatibus regni congregatis ibidem Quedam certe persone electe fuerunt per easdem ad parlamentum tenendum data aliis causa autumpni licencia ad propria redeundi videlicet.

Ex parte cleri electi fuerunt domini episcopi Sancti Andree Glasguensis Morauiensis Brechinensis Cancellarius et Dumblanensis Prior Sancti Andree, Abbates de Dunfermelyn, de Aberbroth, et de Lundors, de clero eciam Santi Andree, prepositus Sancti Andree, et Magister Alexander de Caroun de clero Glasguensis, Dominus Johannes de Carric Procurator Episcopi de Dunkelden cantor eiusdem, Procurator Episcopi Abirdonensis Magister Dauid de Marre, et Procurator Episcopi Rossensis, Decanus eiusdem.

Pro parte vero baronum Domini Senescallus Scocie Comes de Stratherne, Comes de Marr, Domini de Kyle et de Meneteth, Domini Willielmus de Keth marescallus Scocie, Robertus de

* Robertson's Parl. Records, pp. 105, 106.

Erskyn, Archibaldus de Douglas, Walterus de Lesley, Walterus de Haliburtoun, Hugo de Esglyntoun, Dauid de Grame, Duncanus Wallays, Dauid Walteri &c. absentibus contumaciter Comitibus de Marchia, de Ross, et de Douglas.

Et pro parte burgensium electi de Edynburgth Adam de Brounhill, et Andreas Bec, de Aberden, Willielmus de Leth, et Johannes Crab, de Perth, Johannes Gill et Johannes de Petscoty, de Dunde, Willelmus de Harden, et Willielmus de Innerpeffre, de Monross, Elisieus Falconar et Thomas Black, de Hadyngstoun Johannes de Heetoun et Magister Willielmus de Tauernent, et de Lychcu Thomas Lethe.

Cum super tribus punctis determinandis fuerit presens parlamentum ordinatum principaliter teneri. Primo videlicet quo ad modum viuendi regis, super quo dicti domini congregati deliberant per hunc modum videlicet quod vt dominus rex viuere possit, et debeat sine oppressione populi, omnes redditus firme, cane, custume, foreste, et officia ac alia emolumenta quecunque ac omnes terre tam dominice quam alie, in quorum possessione vt de feodo immediate recolende memorie dominus rex Robertus pater domini nostri regis qui nunc est, fuit tempore mortis sue, et quarum possessio siue proprietas ad jus et proprietatem corone tempore regis Roberti, aut tempore regis Alexandri, pertinere consueuit et debuit, cum reuersionibus debitis, ratione corone, et que reuersiones medio tempore contigerunt, eciam si dicti terre redditus et firme cane custume foreste et alia emolumenta que supra sint per dictum quondam dominum regem Robertum aut per dominum nostrum regem qui nunc est, aliquibus personis vel locis donata vel concessa ad certum tempus iam transactum vel sub certa limitacione condicione seu talliacione finita et extincta, et similiter terre per ipsum dominum nostrum regum vel suum camerarium assedate ad tempus, licet terminus seu exitus nondum venerit, plene et integre ab illis qui eas et ea hactenus habuerunt et ab omnibus aliis imposterum ad dictum nostrum regem et suam coronam reuocentur et redeant, cum ecclesiarum aduocacionibus, et debitis antiquis seruiciis perpetuo remansure, nec vnquam concedantur illis aut aliis nisi solum ex deliberacione et consensu trium communitatum. Et si illi quibus terre huiusmodi fuerunt concesse, habeant iam ipsorum aliquas in sua propria cultura, redactas, non assedatas ad firmam, compellantur ad soluendum tantam firmam ad terminum Sancti Michaelis proximo futurum pro ipsis terris pro quanta ille terre vel aliqua alie eque bone, posent in presenti rationabiliter et fideliter assedari, et quod omnes warde releuia maritagia et escaeta ac exitus curiarum regis quarumcunque remaneant ad sustentacionem domus sue in manibus camerarii pro vtilitate domini nostri regis disponenda, et cum dominus noster rex aliquem pro merito promouere vel remunerari voluerit, hoc fiat tantum de mobilibus et cum bona deliberacione consilii si quis autem remuneracionem seu promocionem a domino rege impetrauerit et ipsum male informauerit de valore uel summa cum fuerit compertum quod ipse valor vel summa maior fuerit per quantitatem excessiuam ita quod impetracio illa surreptitia possit notari ipsam promotionem seu remissionem omnino amittet et reprobacionem incurret merito debitam in hoc casu; aut si aliquis impetrauerit a domino rege de dictis demaniis, seu terris reuersionibus et reuocationibus aliquam partem notabilem tanquam a rege et suo consilio, reprobandus penam subibit debitam et carebit nichilominus impetracione.

Item deliberant pro vtilitate communi quod omnes regalitates libertates, infeodaciones, infeodacionum innouaciones, per quas warde, releuia, maritagia, secte curiarum aut alia quecumque seruicia communia domini nostri regis diminuta sunt in aliquo vel subtracta post mortem domini dicti regis Roberti, quibuscunque partibus; de nouo concessa reuocentur et cessent, omnino, et seruicia subeant communia cum vicinis prout facere consueuerunt ante concessam huiusmodi libertatem antiquis regalitatibus libertatibus et immunitatibus in suo robore permansuris, et quod omnes carte et munimenta super reuocacionibus et reuersionibus vel aliqua eorum confecte vel confecta hactenus, reddantur et restituantur apud Perth in scaccario, ibidem tenendo, in manus cancellarii et camerarii, infra quindecim dies festum epiphanie domini proximo futurum immediate sequentes, et nichilominus si alique carte vel munimenta huiusmodi penes personas aliquas abinde remanserint non reddite vel non reddita ex tunc casse irrite et nulle cassa irrita et nulla habeantur et perpetuo nullius sint momenti.

Secundum punctum videlicet quantum ad municionem castrorum requiratur in paruo registro. Quantum vero ad tertium punctum videlicet disposicionem et statum regni deliberant quod si aliqua motiua de nouo occurrant pro parte regis Anglie vel pro parte nostra vltra alios tractatus per nuncios regni et per communitates negataque inducere poterunt bonam rationabilem et tollerabilem pacem vel treugarum prorogacionem vtilem habeant dominus noster rex et illi quos ipse ad tunc propinquius habere poterit de suis consiliariis juratis vicem et protestatem liberam prelatorum et procerum in hoc parlamento congregatorum eligendi nuncios et taxandi eorum expensas secundum laborem et negociorum exigenciam et personarum eligendarum qualitatem et statum absque conuocacione super hoc parlamenti seu alterius consilii cuiuscunque, et quod propter promptitudinem et certitudinem solucionis redempcionis habende tota magna custuma leuatur ad ipsam solucionem faciendam videlicet viginti solidi de sacco. Et ordinatur quod ad nullum aliud applicetur, et vt patet ex deliberacione et ordinacione premissorum, cum ipsis demaniis alia propria domini regis redire debent ad manus suas, et reuerti. Inter que comprehenditur dimidia marca que solet solui de sacco lane, et sic proportionaliter de aliis mercandisis consimilibus ad custumas. Habeant eciam dominus rex et illi quos ipse ad tunc propinquius habere poterit vicem et potestatem, vt supra ad ordinandum quasi per communem contribucionem leuari quantum recompensare valeat cum domino nostro rege ad sustentacionem domus sue, pro illa dimidia marca de custuma recepta ad solucionem redempcionis antedicte, quando scilicet saccum ad plenum videlicet in exitu scaccarii in proximo tenendi de custuma integra mercatorum ad quantum videlicet ascenderit vsque ad nonam lanam. Et sic si quid ad dictam recompensacionem faciendam leuatum aut contributum fuerit non erit tanquam ad expensas domus regis sed ad supplecionem redempcionis eius tantum vt patet ex precedentibus ad quam solucionem redempcionis tota communitas obligatur.[1]

[1] Robertson's Parliamentary Records, pp. 108, 109.

LETTERS MM. page 227.

Parlamento tento apud Sconam duodecimo die mensis Junii cum continuatione &c. anno domini millesimo trecentesimo sexagesimo octauo conuocatis prelatis proceribus et burgensibus qui tunc voluerunt et potuerunt personaliter interesse aliis per commissarios comparentibus, aliis autem contumaciter absentibus.

Cum per relationem nunciorum nuper missorum ad curiam et presenciam regis Anglie domino nostro regi et toti communitati fuerit expresse nunciatum, quod non proficit inire nec attemptare tractatum cum rege et consilio Anglie super pace habenda, nisi per deliberacionem et commissionem generalis consilii regis, et regni mittatur ad tractandum in bona fide super vno quatuor punctorum, principaliter, concedendo alias per ipsos aduersarios petito vna cum aliis diuersis articulis ipsis punctis adiunctis ex parte omnium congregatorum in parlamento presenti. Habito per quatuor dies, et amplius, super premissis diligenti consilio et deliberacione matura deliberatum, fuit finaliter, quod cum adhuc restent treuge siue inducie vltimo capte et concordate inter regem et regnum vsque videlicet ad festum Purificacionis proximo futurum et deinde per vnum annum continuum et a tunc vsque rex fuerit per regem Anglie sub magno sigillo suo per dimidium anni spacium ante incepcionem guerre premunitus, non adhuc opportet nec expedit inire nec attemptare tractatum super aliquo dictorum punctorum concedendo, que alias in pleno parlamento ad quod plures et maiores interfuerunt quam nunc sunt hic presentes per tres communitates vnanimiter fuerant denegata, *que tanquam inconuenienciа, intolerabilia et impossibilia obseruari reputabantur et expressam, inducencia seruitutem*, verum non deliberant quin aliter forte aliis deficientibus secundum quod tunc opportunum et expediens visum fuerit, possit attemptari in bona fide tractatus super ipsorum punctorum aliquo, cum punctis, articulis et moderacionibus, seruitutem per Dei graciam finaliter expellentibus si opportuerit concludendum.

Item deliberant quod quia necessarium est prouidere atque disponere

super et pro defensione regni omnes dissensiones mote inter magnates et nobiles aliter quam per viam iusticie communis festinanter sopiri debeant et sedari per regem ita quod nullus inquietet alium aliter quam per processum communis iusticie quam quidem dominus noster rex vnicuique debeat semper administrare equaliter sine fauore aliquo et acceptione personarum.

Item diliberant quod insulani et illi de superioribus partibus compescantur per regem et Senescallum Scocie ne dampna inferant aliis sed quod in euentu guerre *possint communitates tutum habere refugium inter eos.* Et sic dominus noster rex ibidem viua voce precepit et iniunxit expresse Senescallo Scocie, Comiti de Marre, Johanni Senescallo Domino de Kyle, et Roberto Senescallo, Domino de Meneteth, in fide et ligiancia quam sibi debent et sub pena que incumbit quod ab omnibus existentibus, infra limites dominiorum suorum seruent communitates regni indempnes. Et quod scienter voluntarie seu inquantum obsistere poterunt malefactores aliquos dampna aliis illaturos per ipsos limites transire aut in ipsis receptari non permittant sub pena vt supra.

Item quod dominus noster rex statim sine more dispendio faciat Johanni de insulis per modum tactum inter ipsum et Senescallum Scocie ibidem et similiter Johanni de Loorn ac Gillaspic Cambel venire ad suam presenciam, et de ipsis securitatem capiat sufficientem per quam tota regni communitas ab eis et suis hominibus et adherentibus et quilibet eorum ab alio de cetero sint indempnes. Et eciam faciat quod ipsi et sui homines subeant labores et onera cum suis comparibus et vicinis.

Preterea videtur dictis dominis congregatis ad cautelam et securitatem maiorem quod dominus noster rex debeat scribere statim adhuc, cum instancia, regi et consilio Anglie super diebus reparacionum et emendacionum petendis teneri et assignandis de dampnis et iniuriis factis et illatis super marchiis iuxta colloquium factum inter ipsos in parlamento presenti.

Et deliberant quo ad custodias marchiarum quod statim dominus noster rex habeat consilium cum Comitibus Marchie et de Douglas alias constitutis custodibus marchiarum in oriente licet non sint iam bene dispositi ad laborem et secundum auisamentum eorum et consilium custodes constituat celeriter et prudenter sed in occidentibus partibus remaneat Dominus Archibaldus de Douglas custos sicut prius.

Et quantum ad castra deliberant, quod dominus noster rex mittat cum camerario Scocie hos milites subscriptos videlicet Dominos Walterum de Lesly, Walterum de Haliburtoun, Hugonem de Esglintoun, et Walterum Moygne vna cum custodibus castrorum quos ipse dominus noster rex habere voluerit ad quatuor castra regia, videlicet Lacus de Leuyn, Edynburgh, Striuelyn, et Dunbartan, visitanda et quod secundum quod per visum ipsorum dicta castra indiguerint tam in hominibus tempore guerre quam in municione murorum in victualibus instrumentis et aliis necessariis ad ipsa castra debite et decenter tenenda contra hostes sine dilacione aliqua eis faciat prouideri. Et quod aut per dictos milites aut per alios prouidos et circumspectos rex faciat indilate visitari alia castra et si inuenerint ea defensibilia et inexpugnabilia inter ipsum et dominos in quorum dominiis siue custodiis ipsa castra fuerint situata ordinetur celeriter de municione ipsorum tam in hominibus quam in victualibus et aliis necessariis vt supra finanter absque more dispendio precipiat ea perstrui sub pena, &c.

Est eciam ordinatum quod quia non adhuc videbatur expediens communitati imponere contribuciones aliquas vel collectiones debeant leuari de sacco lane viginti sex solidi et viii^{to} denarii ad custumas regis et sic proportionaliter de coriis & pellibus custumandis quousque cessatum fuerit a solucione redempcionis vel aliter pro expensis domus regis ordinatis. Et quia in quibusdam partibus non sunt oues sed animalia alia habundant ordinant quod in partibus illis leuetur vna summa martorum ad expensas dicte domus que iuxta visum peritorum de consilio equipolleat oneri quod incumbit lane ouium in custuma.

Ordinatum est discussum et publice proclamatum in presenti parlamento quod omnes processus facti super iudiciis contradictis quorum discussio et determinacio ad parlamentum pertinent presententur cancellario ante parlamentum proximum tenendum. Et quod omnes partes ad proximum parlamentum compareant ad audiendum et recipiendum determinaciones ipsorum. Et discernitur quod ista premunicio seu proclamacio preualet citationes ac si mitteretur per breue de capella regis.[1]

1 Robertson's Parliamentary Records, pp

Letters NN, page 228.

Vniuersis presentis literas inspecturis Johannes de Yle Dominus Insularum salutem in omnium saluatore Cum serenissimus princeps ac dominus meus metuendus dominus Dauid Dei gracia rex Scotorum illustris contra personam meam propter quasdam negligencias meas commissas commotus fuerit propter quod ad ipsius domini mei presenciam apud Villam de Inuernys die quinto decimo mensis Nouembris anno gracie millesimo trecentesimo sexagesimo nono in presencia prelatorum et plurium procerum regni sui accedens humiliter ipsius domini mei voluntati et gracie me optuli et summisi de huiusmodi negligenciis remissionem et graciam supplici-ter postulando Cumque idem dominus meus ad instanciam sui consilii me ad suam beneuolenciam et graciam graciose admiserit concedens insuper quod in possessionibus meis quibuscunque remaneam non amotus nisi secundum processum et exigenciam juris Vniuersitati vestre per presencium seriem pateat euidenter, quod ego Johannes de Yle predictus promitto et manucapio bona fide quod de dampnis iniuriis et grauaminibus per me filios meos et alios quorum nomina in literis regiis de remissione michi concessis plenius exprimuntur, quibuscunque regni fidelibus hucusque illatam satisfaccionem faciam et emendas terras et dominia in subiectis iuste regam et pro posse gubernabo, pacifice filios meos et homines et alios nobis adherentes subici faciam prompte et debite domino nostro regi legibus et consuetudinibus regni sui et iustificabiles fieri, et quod obedient et comparebunt justiciariis, vicecomitatibus, coronatoribus, et aliis ministris regiis, in singulis vicecomitatibus, prout melius et obediencius aliquo tempore bone memorie, domini regis Roberti predecessoris mei: et inhabitantes dictas terras et dominia sunt facere consueti, et quod respondebunt prompte, et debite, ministris regis de contribucionibus et aliis oneribus et seruiciis debitis imposterum et eciam de tempore retroacto, et in euentu quod aliquis vel aliqui infra dictas terras seu dominia, deliquerit vel deliquerint contra regem seu aliquos vel aliquem de suis fidelibus et iuri parere contempserit, seu contempserint, aut in premissis vel premissorum aliquo obedire noluerit, vel noluerint, ipsum seu ipsos tanquam inimicum vel inimicos et rebellem seu rebelles regis et regni dolo et fraude omnino remotis statim prosequar toto posse quousque a finibus terrarum et dominiorum expulsus vel expulsi fuerit vel fuerint aut ipsum vel ipsos parere fecero iuri communi, et ad hec omnia et singula facienda inplenda et fideliter obseruanda in predictorum prelatorum et procerum presencia corporale prestiti iuramentum; insuper et dedi et concessi obsides infra scriptos, videlicet Donnaldum, filium meum ex filia domini Senescali Scocie genitum Anagusium filium quondam Johannis filii mei et Donnaldum quemdam alium filium meum naturalem quos quia tempore confeccionis presentis presentialiter promptos et paratos non habui, ipsos intrare seu reddi faciam apud castrum de Dunbretane ad festum natalis Domini proximo iam futurum si potero alias citra vel ad festum Purificacionis beate Virginis proximo inde sequens sub pena infraccionis prestiti iuramenti et sub pena amissionis omnium que erga dominum nostrum regem amittere potero, quouis modo, ad quorum obsidum intracionem vt premittitur faciendam dominum meum dominum Senescallum Scocie Comitem de Strathern fideiussorem inueni cuius sigillum causa fideiussionis huiusmodi et eciam ad maiorem rei euidenciam vna cum sigillo meo proprio est appensum presentibus in testimonium premissorum Actum et datum anno die et loco predictis.[1]

Letters OO, page 237.

In the MS. Cartulary of Kelso, preserved in the valuable collection of the Faculty of Advocates, Edinburgh, is to be found the following interesting and curious Rent-roll of the possessions of that rich religious house, which throws great light on the state of the agriculture of ancient Scotland:—

Rotulus reddituum Monasterii de Kalchou tam de Temporalibus videlicet de antiquis firmis terrarum suarum, in burgis et extra burga, de antiquis exitibus grangiarum et Dominuorum suorum, quam de spiritualibus scilicet de pensionibus debetis in ecclesiis suis et de antique assedatione decimarum suarum ubi sub compendio factus.

[1] Robertson's Parliamentary Records, p. 115.

De Temporalibus.

Habent monachi dicti Monasterii in vicecomitatu de Rokisburg in temporalibus Grangiam de Reveden, cum villa in puram elemosynam : ubi habent dominium in quo colebant per quinque carucas, et ubi possint habere unum gregem ovium matricum circa xx et pasturam ad boves suos. Habent ibi *octo terras husbandorum, et unam bovatum terræ*, quarum quilibet fecit talia servicia aliquo tempore videlicet. Qualibet septimana in estate unum carragium cum uno equo apud Berwicum et portabit equus tres bollas bladi, vel duas bollas salis, vel unum bollam cum dimidia carbonum, et in hyeme fecerunt idem cariagium, sed non portavit equus nisi duas bollas bladi, unam et dimidiam bollam salis, unam bollam et ferloch carbonum : et qualibet septimana anni cum venerint de Berwic fecit quilibet terra unam dietam de opere sibi injuncto.

Item quum non venerunt apud Berwic coluerunt qualibet septimana per duos dies ; et in autumno quum non venerunt apud Berwic fecerunt tres dietas ; et tunc quilibet husbandus cepit cum terra sua (staht?) scil : duos boves unum equum tres celdras avine, sex bollas ordei, et tres bollas frumenti. Et postmodum quum Abbas Ricardus mutavit illud servicium in argentum reddiderunt sursum suum staht, et dedit quilibet pro terra sua per annum xviii solidos. . . . . Habent ibi decem et novem cotagia, quorum octo decem quodlibet reddit per annum xii d. et sex dietas in autumno recipiendo cibos suos ; et adjuvabant circa locionem et tonsionem bidentum pro cibis suis ; et decimum nonum cotagium reddit xviii d. et novem dietas. Item solebant ibi duæ braccine esse, que reddebant duas marcas per annum. Habent ibi molendinum quod solebat reddere per annum novem marcas. Habent apud Hauden unam carrucatam terræ quam semper habuerunt in manu sua.

Habent apud Sprouston duas *carucatas terræ* in Dominio ubi solebant colere cum duabas carucis, cum communi pastura dicte ville ad duodecim boves, quatuor assos et iii^{c} hoggass. Habent ibi unam *bovatam* terræ quam Hugo Cay tenuit que solebat reddere per annum x solidos. Habent ibi sex cotagia quarum unum quod est propinquum domui vicarii habet sex acras terræ sibi pertinentes cum bracina que solebat reddere per annum sex solidos. Apud Scottoun habent duas acras terræ et communem pasturam pro iiii^{c} multonibus, et habent licenciam fodiendi focale quantum voluerint in illa communia, et solebant haberi unum hominem in molendino ibidem et unum porcum, et ibi solebant molere bladum suum de Colpinhopis, sed nunc quod habent licenciam habendi molendinum apud Colpinhopis et molere bladum suum ad proprium molendinum dabunt annuatim molendino de Schottoun dimidiam marcam.

Habent in tenemento de Yetham juxta molendinum de Colpinhopis tres acras terre cum communi pastura de Yetham quas molendinarius de Colpinhopis solebat tenere, et ibi solebant monachi habere et facere receptaculum bonorum suorum de Colpinhopis quum viderint aliquid periculum ex altera parte. Apud Cliftoun habent septem acras terre quas dnus ecclesie de Mole dedit pro pane benedicto inveniendo.

Habent unam grangiam que vocatur Colpinopis ultra marchiam ubi possint colere cum duabus carucis pro tempore hiemali ; et habere pasturam viginti boves et xx^{ti} vaccas, et post annum deponere sequelam suam, et v^{c} oves matrices et ii^{c} alios bidentes.

Apud Molle habent apud Altoriburn l acras terre arabilis et prati cum communi pastura ad iii^{c} bidentes cum libero introitu et excitu, et ad decem boves et iiii assos, et habebunt in bosco de Scrogges stac et flac pro omnibus suis firmandis, et virgas pro reparacione carucarum suarum. . . . .

Habent villam de Bolden in qua sunt viginti octo terre husbandorum quarum quilibet solebat reddere per annum vi sol. et viii denar. ad pentecostem et Sancti Martini, et faciendo talia servicia. Scil : metendo in autumpno per quatuor dies cum tota familia sua quilibet husbandus et uxor sua ; et faciet similiter quintam dietam in autumpno cum duobus hominibus. Et quilibet cariabit unum plaustrum petarum vel pullis usque ad Abbatiam in œstate et non plus. Et quilibet husbandus faciet cariagium per unum equum de Berwick una vice per annum et habebunt victum suum de Monasterio quum faciunt hujusmodi servicium, et quilibet eorum solebat colere quolibet anno ad grangium de Newton unam

acram terre, et dimidiam acram, et herciabit cum uno equo per unum diem, et quilibet inveniet unum hominem in locotione bidentum et alium hominem in tonsione sine victu et respondebunt sibi de fornseco servicio et de aliis Sectis, et cariabunt bladum in autumpno cum uno plaustro per unum diem, et cariabunt lanam Abbatis de baronia usque ad Abbatiam et invenient sibi cariagia ultra moram versus Lesmahago. Abbas Ricardus mutavit illud servicium in denar. per assedacionem fratris Willmi de Alincromb. tunc Camerarii Sui.

The limits to which this note must be confined will not allow me to give further extracts from this curious manuscript rental, demonstrating the riches of the early monasteries. It appears, in the concluding pages of it, that Kelso possessed no less than thirty-four churches, the united rents of which amounted to the sum of v^{c} li lib. xi solid. iiii denarii.

The rental was drawn up previous to 1316.

LETTERS PP, pages 254, 255.

Slavery of the Lower Orders.

In the ancient manuscript Cartulary of Dunfermline, preserved in the library of the Faculty of Advocates, Edinburgh, and page 541 of the Macfarlane transcript, is to be found the deed entitled, "Perambulatio inter terras Abbatis de Dumferm. et terram David Hostiarii. scilicet Dunduf. 1231," which illustrates the comparative situation of the higher classes and the lower orders in the thirteenth century. A jury of *probi homines* are therein summoned by the precept of the king, to determine the marches between the lands of David Durward and the domain of the Abbacy, who take the evidence of the countrymen residing on the spot, and determine the question. The jury are the freemen; and their names are, with a few exceptions, Saxon and Norman names: the witnesses were evidently the *nativi bondi*, who were the property of their lord; and their names are almost exclusively Celtic.

In the same Cartulary, p. 592, will be found a deed entitled, "Assisa Super Alano, filio Constantini et duobus filiis," by which we find that, in 1340, an assize was held in the churchyard of Kartyl before David Wemyss, sheriff of Fife, to determine whether Alan, the son of Constantine, and his two sons, were the property of the Abbot of Dunfermline, or of the Earl of Fife; when it was found, "per fidelem assisam fide dignorum et nobilium," that these persons belonged to the Lord Abbot of Dunfermline. See the same Cartulary, p. 654, for the names of the slaves given by David, probably David the First, to the church of Dunfermline. Their names, Marcoran, Mevynir, Gyllemichael, Malmuren, Gillecrist, Gillemahagu, are, with one or two exceptions, Celtic.

LETTERS QQ, page 255.

State of the Lower Orders.

In the same valuable Cartulary, p. 145, are to be found many genealogies of the slaves, or bondmen, who belonged in property to the monastery, which shew how carefully the marriages, the families, and the residence, of this unfortunate class of men were recorded. I shall subjoin one of them:—

Genealogia Edillblac.

"Edillblac genuit W de Lathanland, Willmus Constantinum, Constantinus Johannem qui vivit: Iste sunt homines de Dumferm. et remanentes. Gilbertus de Cupromal manet in Balnyr in schyra de Rerays. Galfr. de Dumberauch manens apud Dumberauch. Cristinus filius adæ manens apud Westerurchard Ego filius Gilberte manens in terra Ach de Kynros. Joannes filius Kynect manens apud Walwein, Oenenus freberner manens apud hichir mokedi. Patricius frater ejus manens apud Renkelouch Mauricius Colms. manens apud Petyn Kyr."

In other genealogies, the place of the death and burial of the bondman is particularly specified.

LETTERS RR, page 323.

Arms and Armour.

This assize of arms will be found in the manuscript Cartulary of Aberbrothoc, preserved in the Library of the Faculty of Advocates, Edinburgh. Macfarlane Transcript, p. 295.

"Quod quilibet homo de regno laicus habens decem libras in bonis habeat pro corpore suo in defensionem regni unam sufficientem aketonam, unum bacinetum et cyrotecas de guerre, cum lancea et gladio. Et qui non habuerit aketonam et bacinetum habeat unum habergellum, vel unum bonum ferrum pro corpore

suo, unum capellum de ferro et cyrotecas de guerra, ita quod quilibet sit paratus cum attyliis predictis citra octavas paschi proxime futuri. Et quecunque habens decem libras in bonis, non habuerit tunc omnia armorum attylia predicta, perdat omnia bona sua. Ita quod dnus rex habeat unam medietatem bonorum, et dnus illius qui in defectu fuerit repertus habeat aliam medietatem. Et dnus rex vult quod singuli vicecomites rgni cum dnis locorum inquirant super his, et faciant monstracionem statim post octavas Paschæ predictas. Praeterea dnus rex vult et precipit quod quicunque habens valorem unius vacce in bonis habeat unam bonam lanceam, vel unum bonum arcum, cum uno scafo sagittarum, videlicet viginti quatuor sagittis, cum pertinenciis sub pena prescripta."

LETTERS SS, page 325.

Dress of the Ladies.

I shall give the passage in the original, from the beautiful edition of this interesting and curious poem, published in 1814 by Didot:—

"Puis li revest en maintes guises
Robes faites par grans maistrises
De braus dras de soie, ou de laine
De scarlate ou de tirelaine,
De vert, de pers ou de brunete
De color fresche, fine et nete
Ou moult a riches pennes mises
Erminees, vaires ou grises
Puis les li oste, puis repoie
Cum li siet bien robe de soie
Cendaus, molequins Arrabis
Indes vermaus jaunes, et bis
Samis diapres, Camelos
Por neant fut ung angelos
Tant est de contenance simple
Autrefois li met une gimple
Et par dessus ung cuevrechief
Qui cuevre la gimple et le chief
Ains ne cuevre par le visage.
Qu'il ne vuet pas tenir l'usage
Des Sarrasins, qui d'estamines
Cuevre les vis as Sarrasines
Quant eus trespassent par le voie
Que nuz trespassans ne les voie
Tant sunt plein de jalouse rage
Autrefois le reprent corage
D'oster tout, et de mettre guindes
Jaunes, vermeilles, vers et indes.
Et tréceors gentiz et gresles
De soie et d'or à menus pesles,
Et dessus la crespine atache
Une moult precieuse atache
Et par dessus la crespinette
Une coronne d'or grelete
Ou moult ot precieuses pierres,
Et biaus chastons a quatre quierres
Et a quatre demi-compas
Sans ce que ge ne vous cont pas
L'autre perrerie menue
Qui siet entor especе et drue
Et met à ses deus oreillettes
Deus verges d'or pendans greletes
Et por tenir la cheveçaille
Deus fermaus d'or pendans greletes
En mi le pis ung en remet
Et de li ceindre s'entremet;
Mes c'est d'ung si tres-riche ceint
C'onques pucele tel ne ceint.
Et pent au ceint une aumosniere
Qui moult est precieuse et chiere
Et cinq pierres i met petites
Du rivage de mer eslites.
Dont puceles as martiaus gevent
Quant beles et rondes les trevent
Et par 'grant ententi li chauce
Et chacun pie soler et chauce
Entaillies jolivetement
A deus doie du pavement
N'ert pas de hosiaus estrenee
Car el n'ert pas de Paris nee
Trop par fust rude chaucemente
A pucele de tel jovente
D'une aguille bien afilee
D'or fin de fil d'or enfilee
Li a, por miex estre vestues
Ses deux manches estroit cosues
Puis li baille flors novellettes
Dont ces jolies puceletes
Font en printemps lors chapelez
Et pelotes et oiselez
Et diverses choses noveles
Delitables as damoisles.
Et chapeles de flors li fait
Mes n'en veistes nul si fait
Car il met s'entente toute
Anelez d'or es dois li boute
Et dit cum fins loiaus espous
Bele donie, ci vous espous
Et deviens vostres et vous moie
Ymeneus et Juno m'oie
Qu'il voillent a nos noces estre
Ge'ni quier plus ni clere ne prestre,
Ne de Prelaz mitres ne croces
Car cil sunt li vrai diex des noces.

Pp. 294-298 inclusive, vol. iii.

LETTERS TT, page 327.

It is not conceivable, says Mr Thomson, from whom I have procured some information on this obscure subject, that this claim of the Earl of Douglas could have any other basis than a revival of the right of the Baliol family, whose titles appear to have devolved at this period on the Earl of Douglas. John Baliol, it is well known, left a son, Edward, whom we have seen crowned King of Scotland in 1332, who afterwards died in obscurity, and without children. (History, vol. ii. pp. 16, 90.) The right of the Baliol family upon this reverted to the descendants of Alexander de Baliol of Kavers, brother of King John Baliol;[1] and we find that, in the reign of David the Second, the repre-

[1] Dugdale's Baronage, vol. i. p. 525.

sentative of this Alexander de Baliol was Isobel de Baliol, Comitissa de Mar, who married Donald, twelfth earl of Mar. This lady, it appears, by a deed in the Rotuli Scotiæ, vol. i. p. 708, married, secondly, William de Careswell, who, during the minority of her son, Thomas, thirteenth Earl of Mar, Lord of Garryach and Cavers, obtained from Edward the Third "the custody of all the lands which belonged to Isabella the late Countess of Mar, his consort." Thomas, earl of Mar, died without issue, but he left a sister, Margaret, who succeeded her brother, and became Countess of Mar in her own right. She married for her first husband William, earl of Douglas, who, in her right, became Earl of Mar; and, as possessing through her the right of the house of Baliol, upon this ground laid claim to the crown. Winton, vol. ii. p. 304, does not mention the ground upon which the Earl of Douglas disputed the throne with Robert the Second. But the ancient manuscript, entitled "Extracta ex Chronicis Scotiæ," fol. 225, is more explicit. Its words are, "Dowglace Willmus Comes manu valida militari, coram eis comparuit allegans jus corone et successionis in regnum ad se ex parte Cuminensium et Balliorum pertinere." And this is corroborated by Bower, Fordun a Goodal, vol. ii. p. 382. Douglas's right through his wife we have just explained; and I may refer to a paper on the ancient lordship of Galloway, in the ninth volume of the Archæologia, p. 49, by Mr Riddell, for an explanation of his title through the Comyns.

END OF VOL. I.

THE

HISTORY OF SCOTLAND

FROM THE

ACCESSION OF ALEXANDER III. TO THE UNION

BY

PATRICK FRASER TYTLER,

F.R.S.E. & F.A.S.

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1390–1424.

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HISTORY OF SCOTLAND.

CHAPTER I.

ROBERT THE THIRD.

1390—1424.

THE remains of Robert the Second were committed to the sepulchre in the Abbey of Scone; and on the 14th August 1390, being the morning succeeding the funeral, the coronation of his successor, John, earl of Carrick, took place, with circumstances of great pomp and solemnity.[1] Next day, which was the Assumption of the Virgin, his wife, Annabella Drummond, countess of Carrick, a daughter of the noble house of Drummond, was crowned queen; and on the following morning, the assembled prelates and nobles, amidst a great concourse of the people, took their oaths of allegiance, when it was agreed that the king should change his name to that of Robert the Third; the appellative John, from its associations with Baliol, being considered ominous and unpopular.

The character of the monarch was not essentially different from that of his predecessor. It was amiable, and far from wanting in sound sense and discretion; but the accident which had occasioned his lameness, unfitted him for excelling in those martial exercises which were then necessary to secure the respect of his nobility, and compelled him to seek his happiness in pacific pursuits and domestic endearments, more likely to draw upon him the contempt of his nobles than any more kindly feelings. The name of king, too, did not bring with it, in this instance, that high hereditary honour which, had Robert been the representative of a long line of princes, must necessarily have attached to it. He was only the second king of a new race; the proud barons who surrounded his throne had but lately seen his father and himself in their own rank; had associated with them as their equals, and were little prepared to surrender, to a dignity of such recent creation, the homage or the awe which the person on whom it had fallen did not command by his own virtues. Yet the king appears to have been distinguished by many admirable qualities. He possessed an inflexible love of justice, and an affection for his people, which were evinced by every measure where he was suffered to follow the dictates of his own heart; he was aware of the miseries which the country had suffered by the long continuance of war, and he saw clearly that peace was the first and best bless

[1] Winton, vol. ii. pp. 361, 362. Fordun a Goodal, vol. ii. p. 418. Chamberlain Accounts, vol. ii. p. 196. The funeral expenses amounted to £253, 19s. 9d.

ing which his government could bestow, and for the establishment and continuance of which almost every sacrifice should be made. The soundness of these views could not be doubted. They were the dictates of a clear and correct thinking mind, which, confined by circumstances to thoughtfulness and retirement, had discovered the most judicious line of policy, when all around it was turbulence and error, and a few centuries later they would have been hailed as the highest virtues in a sovereign.

But Robert was wanting in that combination of qualities which could alone have enabled him to bring these higher principles into action; and this is explained in a single word, when it has been said he was unwarlike. The sceptre required to be held in a firm hand; and to restrain the outrages of a set of nobles so haughty as those who then domineered over Scotland, it was absolutely necessary that the king should possess somewhat of that fierce energy which distinguished themselves. Irresolution, timidity, and an anxious desire to conciliate the affection of all parties, induced him to abandon the most useful designs, because they opposed the selfishness, or threatened to abridge the power, of his barons; and this weakness of character was ultimately productive of fatal effects in his own family, and throughout the kingdom. It happened also, unfortunately for the peace of the community, that his father had delegated the chief power of the state to his brothers, the Earls of Fife and of Buchan, committing the general management of all public affairs, with the title of Governor, to the first;[1] and permitting the Earl of Buchan to rule over the northern parts of the kingdom, with an authority little less than regal. The first of these princes had long evinced a restless ambition, which had been increased by the early possession of power; but his character began now to discover those darker shades of crime, which grew deeper as he advanced in years. The Earl of Buchan, on the other hand, was little less than a cruel and ferocious savage, a species of Celtic Attila, whose common appellation of the "Wolf of Badenoch," is sufficiently characteristic of the dreadful attributes which composed his character, and who issued from his lair in the north, like the devoted instrument of the Divine wrath, to scourge and afflict the nation.

On the morning after the coronation, a little incident occurred, which is indicative of the gentle character of the king, and illustrates the simple manners of the times. The fields and enclosures round the monastery had been destroyed by the nobles and their retinue; and as it happened during the harvest, when the crops were ripe, the mischief fell heavily on the monks. A canon of the order, who filled the office of storekeeper, demanded an audience of the king, for the purpose of claiming some compensation; but on announcing his errand, the chamberlain dismissed him with scorn. The mode in which he revenged himself was whimsical and extraordinary. Early on the morning after the coronation, before the king had awoke, the priest assembled a motley multitude of the farm-servants and villagers belonging to the monastery, who, bearing before them an image stuffed with straw, and armed with the drums, horns, and rattles which they used in their rustic festivals, took their station under the windows of the royal bed-chamber, and at once struck up such a peal of yells, horns, rattles, and dissonant music, that the court awoke in terror and dismay. The priest who led the rout was instantly dragged before the king, and asked what he meant. "Please your majesty," said he, "what you have just heard are our rural carols, in which we indulge when our crops are brought in; and as you and your nobles have spared us the trouble and expense of cutting them down this season, we thought it grateful to give you a specimen of our harvest jubilee." The freedom and sarcasm of the answer would have been instantly punished by the nobles; but the king under-

[1] Chamberlain Accounts, vol. ii. pp. 165, 192.

stood and pardoned the reproof, ordered an immediate inquiry into the damage done to the monastery, and not only paid the full amount, but applauded the humour and courage of the ecclesiastic.[1]

It was a melancholy proof of the gentle and indolent character of this monarch that, after his accession to the throne, the general management of affairs, and even the name of Governor,[2] were still intrusted to the Earl of Fife, who for a while continued to pursue such measures as seemed best calculated for the preservation of the public prosperity. The truce of Leilinghen, which had been entered into between France and England in 1389, and to which Scotland had become a party, was again renewed,[3] and at the same time it was thought expedient that the league with France, concluded between Charles the Sixth and Robert the Second in 1371, should be prolonged and ratified by the oath of the king,[4] so that the three countries appeared to be mutually desirous of peace. Upon the part of England, every precaution seems to have been taken to prevent any infractions of the truce. The Scottish commerce was protected; all injuries committed upon the Borders were directed to be investigated and redressed by the Lords Wardens; safe-conducts to the nobles, the merchants, and the students of Scotland, who were desirous of residing in or travelling through England, were readily granted; and every inclination was shewn to pave the way for the settlement of a lasting peace.[5] Upon the part of Scotland, these wise measures were met by a spirit equally conciliatory; and for eight years, the period for which the truce was prolonged, no important warlike operations took place: a blessed and unusual cessation, in which the country began to breathe anew, and to devote itself to the pursuits of peace.

So happy a state of things was first interrupted by the ferocity of the "Wolf of Badenoch," and the disorders of the northern parts of the kingdom. On some provocation given to Buchan by the Bishop of Moray, this chief descended from his mountains, and after laying waste the country with a sacrilege which excited unwonted horror, sacked and plundered the cathedral of Elgin, carrying off its chalices and vestments, polluting its shrines with blood, and, finally, setting fire to the noble pile, which, with the adjoining houses of the canons and the neighbouring town, were burnt to the ground.[6] This exploit of the father was only a signal for a more serious incursion, conducted by his natural son, Duncan Stewart, whose manners were worthy of his descent, and who, at the head of a wild assemblage of ketherans, armed only with the sword and target, broke across the range of hills which divide the counties of Aberdeen and Forfar, and began to destroy the country and murder the inhabitants with reckless and indiscriminate cruelty. Sir Walter Ogilvy, then Sheriff of Angus, along with Sir Patrick Gray, and Sir David Lindsay of Glenesk, instantly collected their power, and although far inferior in numbers, trusting to the temper of their armour, attacked the mountaineers at Gasklune, near the Water of Isla.[7] But they were almost instantly overwhelmed, the Highlanders fighting with a ferocity and a contempt of life, which seem to have struck a panic into their steel-clad assailants. Ogilvy, with his brother, Wat of Lichtoune, Young of Ouchterlony, the Lairds of Cairncross, Forfar, and Guthrie, were slain, and

[1] Fordun a Hearne, vol. iv. pp. 1111, 1112.

[2] Chamberlain Accounts, vol. ii. p. 165. "Et Comiti de Fyf: Custodi regni pro officio Custodis percipient: mille marcas per annum." Ibid. pp. 261, 267.

[3] Rymer, Fœdera, vol. vii. p. 622. Rotuli Scotiæ, vol. ii. pp. 103, 105.

[4] Records of the Parliament of Scotland, sub anno 1390, p. 136. Rotuli Scotiæ, vol. ii. p. 98.

[5] Rotuli Scotiæ, vol. ii. pp. 99, 100, 101, 103, 105.

[6] Winton, vol. ii. p. 363. Keith's Catalogue, p. 83. See Chamberlain Accounts, vol. ii. p. 355.

[7] Winton, Chron. vol. ii. pp. 368, 369. Fordun a Goodal, vol. ii. p. 420. Glenbreret, where this writer affirms the battle to have been fought, is Glenbrierachan, about eleven miles north of Gasklune. Macpherson's Notes on Winton, p. 517.

sixty men-at-arms along with them; whilst Sir Patrick Gray and Sir David Lindsay were grievously wounded, and with difficulty carried off the field. The indomitable fierceness of the mountaineers is strikingly shewn by an anecdote preserved by Winton. Lindsay had pierced one of these, a brawny and powerful man, through the body with his spear, and thus apparently pinned him to the earth; but although mortally wounded, and in the agonies of death, he writhed himself up by main strength, and, with the weapon in his body, struck Lindsay a desperate blow with his sword, which cut him through the stirrup and steel-boot into the bone, after which his assailant instantly sunk down and expired.[1]

These dreadful excesses, committed by a brother and nephew of the king, called for immediate redress; and it is a striking evidence of the internal weakness of the government, that they passed unheeded, and were succeeded by private feuds amongst the nobility, with whom the most petty disputes became frequently the causes of cruel and deadly revenge. A quarrel of this kind had occurred between the Lady of Fivy, wife to Sir David Lindsay, and her nephew, Robert Keith, a baron of great power. It arose from a trifling misunderstanding between some masons and the servants of Keith regarding a watercourse, but it concluded in this fierce chief besieging his aunt in her castle; upon which Lindsay, who was then at court, flew to her rescue, and encountering Keith at Garvyach, compelled him to raise the siege, with the loss of sixty of his men, who were slain on the spot.[2]

Whilst the government was disgraced by the occurrence of such deliberate acts of private war in the low country, the Highlanders prepared to exhibit an extraordinary spectacle. Two numerous clans, or septs, known by the names of the clan Kay, and the clan Quhete,[3] having long been at deadly feud, their mutual attacks were carried on with that ferocity which at this period distinguished the Celtic race from the more southern inhabitants of Scotland. The ideas of chivalry, the factitious principles of that system of manners from which we derive our modern code of honour, had hitherto made little progress amongst them; but the more intimate intercourse between the northern and southern portions of the kingdom, and the residence of the lowland barons amongst them, appear to have introduced a change; and the notions of the Norman knights becoming more familiar to the mountaineers, they adopted the singular idea of deciding their quarrel by a combat of thirty against thirty. This project, instead of discouragement, met with the approval of the government, who were happy that a scheme should have suggested itself, by which there was some prospect of the leaders in those fierce and endless disputes being cut off. A day having been appointed for the combat, barriers were raised in the level ground of the North Inch of Perth, and in the presence of the king and a large concourse of the nobility, sixty tall athletic Highland soldiers, armed in the fashion of their country, with bows and arrows, sword and target, short knives and battle-axes, entered the lists, and advanced in mortal array against each other; but at this trying moment the courage of one of the clan Chattan faltered, and, as the lines were closing, he threw himself into the Tay, swam across the river, and fled to the woods. All was now at a stand: with the inequality of numbers the contest could not proceed; and the benevolent monarch, who had suffered himself to be persuaded against his better feelings, was about to break up the assembly, when a stout burgher of Perth, an armourer by trade, sprung within the barriers, and declared that for half a mark he would supply the place of the deserter. The offer was accepted, and a dreadful contest ensued. Undefended by armour, and confined within a narrow space, the Highlanders fought

[1] Winton, vol. ii. p. 369. Extracta ex Chronicis Scotiæ, MS. folio 240.

[2] Winton, vol. ii. p. 372.

[3] Clan Quete or clan Chattan. The clan Kay is thought to have been the clan Dhai—the Davidsons, a sept of the M'Pherson.

with a ferocity which nothing could surpass; whilst the gashes made by the daggers and battle-axes, and the savage yells of the combatants, composed a scene altogether new and appalling to many French and English knights, who were amongst the spectators, and to whom, it may be easily imagined, the contrast between this cruel butchery, and the more polished and less fatal battles of chivalry, was striking and revolting. At last a single combatant of the clan Kay alone remained, whilst eleven of their opponents, including the bold armourer, were still able to wield their weapons; upon which the king threw down his gage, and the victory was awarded to the clan Quhete. The leaders in this savage combat are said to have been Shaw, the son of Farquhard, who headed the clan Kay, and Cristijohnson, who headed the victors;[1] but these names, which have been preserved by our contemporary chroniclers, are in all probability corrupted from the original Celtic. After this voluntary immolation of their bravest warriors, the Highlanders for a long time remained quiet within their mountains; and the Earl of Moray and Sir James Lindsay, by whom this expedient for allaying the feuds is said to have been encouraged, congratulated themselves on the success of their project. Soon after this, the management of the northern parts of the kingdom[2] was committed to the care of David, earl of Carrick, the king's eldest son, who, although still a youth in his seventeenth year, and with the faults incident to a proud and impatient temper, evinced an early talent for government, which, under proper cultivation, might have proved a blessing to the country.

For some years after this, the current of events is of that quiet character which offers little prominent or interesting. The weakness of the government of Richard the Second, the frenzy of the French king, the pacific disposition of the Scottish monarch, and the character of the Earl of Fife, his chief minister, who, although ambitious and intriguing, was unwarlike, all contributed to secure to Scotland the blessing of peace. The truce with England was renewed from year to year, and the intercourse between the two countries warmly encouraged; the nobility, the merchants, the students of Scotland, received safe-conducts, and travelled into England for the purposes of pleasure, business, or study, or to visit the shrines of the most popular saints; and the rivalry between the two nations was no longer called forth in mortal combats, but in those less fatal contests, by which the restless spirits of those times, in the absence of real war, kept up their military experience by an imitation of it in tilts and tournaments. An enthusiastic passion for chivalry now reigned in both countries, and, unless we make allowance for the universal influence of this singular system, no just estimate can be formed of the manners of the times. Barons who were sage in council, and high in civil or military office, would leave the business of the state, and interrupt the greatest transactions, to set off upon a tour of adventures, having the king's royal letters, permitting them to "perform points of arms, and manifest their prowess to the world." Wortley, an English knight of great reputation, arrived in Scotland; and, after a courteous reception at court, published his cartel of defiance, which was taken up by Sir James Douglas of Strathbrock, and the trial of arms appointed to be held in presence of the king at Stirling; but after the lists had been prepared, some unexpected occurrence appears to have prevented the duel from taking place.[3] Sir David Lindsay of Glenesk, who was then reputed one of the best soldiers in Scotland, soon after the accession of Robert the Third sent his cartel to

[1] Winton, vol. ii. pp. 373, 374, and Notes, p. 518. Fordun a Goodal, vol. ii. p. 420.

[2] Chamberlain Accounts, vol. ii. p. 349. "Et Dno. Comiti de Carrick de donacione regis pro expensis suis factis in partibus borealibus per tempus compoti: ut patet per literas regis concessas super has, testante clerico probacionis, 40 li."

[3] Chamberlain Accounts, vol. ii. p. 366. Fordun a Goodal, vol. ii. p. 421.

the Lord Wells, an English knight of the court of Richard the Second, which having been accepted, the duel was appointed to take place in London in presence of the king. So important did Lindsay consider the affair, that he freighted a vessel belonging to Dundee[1] to bring him from London a new suit of armour; and, when the day arrived, at the head of a splendid retinue he entered the lists, which were crowded by the assembled nobles and beauties of the court. In the first course the English knight was borne out of his saddle; and Lindsay, although rudely struck, kept his seat so firmly, that a cry rose amongst the crowd, who insisted he was tied to his steed, upon which he vaulted to the ground, and, although encumbered by his armour, without touching the stirrup, again sprung into the saddle. Both the knights, after the first course, commenced a desperate foot combat with their daggers, which concluded in the total discomfiture of Lord Wells. Lindsay, who was a man of great personal strength, having struck his dagger firmly into one of the lower joints of his armour, lifted him into the air, and gave him so heavy a fall, that he lay at his mercy. He then, instead of putting him to death, a privilege which the savage laws of these combats at outrance conferred upon the victor, courteously raised him from the ground, and, leading him below the ladies' gallery, delivered him as her prisoner to the Queen of England.[2]

Upon another occasion, in one of those tournaments, an accomplished baron, named Piers Courtney, made his appearance, who bore upon his surcoat a falcon, with the distich,—"I bear a falcon fairest in flycht, whoso prikketh at her his death is dicht, in graith." To his surprise he found in the lists an exact imitation of himself in the shape of a Scottish knight, with the exception, that instead of a falcon, his surcoat bore a jay, with an inscription ludicrously rhyming to the defiance of Courtney,—"I bear a pyet peikand at ane pees,[3] quhasa pykkis at her I sall pyk at his nees,[4] in faith." The challenge could not be mistaken; and the knights ran two courses against each other, in each of which the helmet of the Scot, from being loosely strapped, gave way, and foiled the attaint of Courtney, who, having lost two of his teeth by his adversary's spear, loudly complained of the occurrence, and insisted that the laws of arms made it imperative on both knights to be exactly on equal terms. "I am content," said the Scot, "to run six courses more on such an agreement, and let him who breaks it forfeit two hundred pounds." The challenge was accepted; upon which he took off his helmet, and, throwing back his thick hair, shewed that he was blind of an eye, which he had lost by a wound in the battle of Otterburn. The agreement made it imperative on Courtney to pay the money, or to submit to lose an eye; and it may readily be imagined that Sir Piers, a handsome man, preferred the first to the last alternative.[5]

The title of duke, a dignity originally Norman, had been brought from France into England; and we now find it for the first time introduced into Scotland in a parliament held by Robert the Third at Perth, on the 28th of April 1398.[6] At this meeting of the estates, the king, with great pomp, created his eldest son, David, earl of Carrick, Duke of Rothesay, and at the same time bestowed the dignity of Duke of Albany upon the Earl of Fife, to whom, since his accession, he had intrusted almost the whole management of public affairs.[7]

[1] Rotuli Scotiæ, vol. ii. p. 104.

[2] Winton, vol. ii. pp. 355, 356, 357. Fordun a Goodal, vol. ii. p. 422. Lindsay, in gratitude for his victory, founded an altar in the parish church of Dundee. Extracta ex Chronicis Scotiæ, MS. fol. 243.

[3] Pees—piece.

[4] Nees—nose.

[5] Fordun a Goodal, vol. ii. p. 423.

[6] Ibid. vol. ii. p. 422.

[7] Chamberlain Accounts, vol. ii. p. 421. Et libat: Clerico libacionis, domus Dni nostri Regis, ad expensas ipsius domus "factas apud Sconam, et apud Perth tempore quo tentum fuit Scaccarium, quo eciam tempore tentum fuit consilium Reg: ibidem super multis punctis et articulis necessariis pro negotiis regni, et reipublicæ, £119, 6s. 4d." The account goes on to notice the creation of the Earl of Carrick as Duke of Rothesay, of Fife

The age of the heir-apparent rendered any further continuance of his delegated authority suspicious and unnecessary. Rothesay was now past his twentieth year; and his character, although exhibiting in an immoderate degree the love of pleasure natural to his time of life, was yet marked by a vigour which plainly indicated that he would not long submit to the superiority of his uncle Albany. From his earliest years he had been the darling of his father, and, even as a boy, his household and establishment appear to have been kept up with a munificence which was perhaps imprudent; yet the affectionate restraints imposed by his mother the queen, and the control of William de Drummond, the governor to whose charge his education seems to have been committed, might have done much for the formation of his character, had he not been deprived of both at an early age. It is a singular circumstance, also, that the king, although he possessed not resolution enough to shake off his imprudent dependence upon Albany, evidently dreaded his ambition, and had many misgivings for the safety of his favourite son, and the dangers by which he was surrounded. This may be inferred from the repeated bands or covenants for the support and defence of himself and his son and heir the Earl of Carrick, which were entered into between this monarch and his nobles, from the time the prince had reached his thirteenth year.[1]

These bands, although in themselves not unknown to the feudal constitution, yet were new in so far as they were agreements, not between subject and subject, but between the king and those great vassals who ought to have been sufficiently bound to support the crown and the heir-apparent by the ordinary oaths of homage. It is in this light that these frequent feudal covenants, by which any vassal of the crown, for a salary settled upon him and his heirs, becomes bound to give his "service and support" to the sovereign and his eldest son the Earl of Carrick, are to be regarded as a new feature in the feudal constitution of the country, importing an increase in the power of the aristocracy, and a proportional decrease in the strength of the crown. There seems, in short, throughout the whole reign of David the Second and his successor, to have been a gradual dislocation of the parts of the feudal government, which left the nobles, far more than they had ever yet been, in the condition of so many independent princes, whose support the king could no longer compel as a right, but was reduced to purchase by pensions. In this way, there was scarce a baron of any power or consequence whom Robert had not attempted to bind to his service and that of his son. The Duke of Albany, Lord Walter Stewart of Brechin his brother, Lord Murdoch Stewart, eldest son of Albany, and afterwards regent of the kingdom; Sir John Montgomery of Eaglesham, Sir William de Lindsay, Sir William Stewart of Jedburgh, and Sir John de Ramorgny, were all parties to agreements of this nature, in which the king, by a charter, grants to them, and in many instances to their children, for the whole period of their lives, certain large sums in annuity, under the condition of their defending the king and the Earl of Carrick, in time of peace as well as war.[2] We shall soon have an opportunity of observing how feeble were such agreements to insure to the crown the support and loyal attachment of the subjects where they happened to counteract any schemes of ambition and individual aggrandisement.

In the meantime, the character of that prince, for whose welfare and security these alliances were undertaken, had begun to exhibit an increasing impatience of control, and an eager desire of power. Elegant in his person, with a sweet and handsome countenance, excelling in all knightly accomplishments, courteous and easy in his manners, and a devoted admirer of beauty, Rothesay was the idol of

as Duke of Albany, and of David Lindsay as Earl of Crawford.

[1] Chamberlain Accounts, vol. ii. p. 197.

[2] Chamberlain Accounts, vol. ii. pp. 281, 310, 332, 197, 206, 207, 370, 495, 219.

the populace; whilst a fondness for poetry, and a considerable acquaintance with the literature of the age, gave a superior refinement to his character, which, as it was little appreciated by a fierce nobility, probably induced him, in his turn, to treat their savage ignorance with contempt. He had already, at an early age, been familiarised to the management of public business, and had been engaged in the settlement of the disturbed northern districts, and employed as a commissioner for composing the differences on the Borders.[1] His mother, the queen, a woman of great sense and spirit, united her influence to that of her son; and a strong party was formed for the purpose of reducing the power of Albany, and compelling him to retire from the chief management of affairs, and resign his power into the hands of the prince.

It was represented to the king, and with perfect truth, that the kingdom was in a frightful state of anarchy and disorder; that the administration of the laws was suspended; those who loved peace, and were friends to good order, not knowing where to look for support; whilst, amid the general confusion, murder, robbery, and every species of crime, prevailed to an alarming and dreadful excess. All this had taken place, it was affirmed, in consequence of the misplaced trust which had been put into the hands of Albany, who prostituted his office of governor to his own selfish designs, and purchased the support of the nobles by offering them an immunity for their offences. "If," said the friends of the prince—"If it is absolutely necessary, from the increasing infirmities of the king, that he should delegate his authority to a governor or lieutenant, let his power be transferred to him to whom it is justly due, the heir-apparent to the throne; so that the country be no longer torn and endangered by the ambition of two contending factions, and shocked by the indecent and undignified spectacle of perpetual disputes in the royal household." These representations, and the increasing strength of the party of the prince, convinced Albany that it would be prudent for the present to give way to the secret wishes of the king and the open ambition of Rothesay, and to resign that office of governor, which he could no longer retain with safety.

A parliament was accordingly held at Perth on the 27th of January 1398, of which the proceedings are interesting and important; and it is fortunate that a record has been lately discovered,[2] which contains a full account of this meeting of the three estates. It is declared, in the first place, that the "misgovernance of the realm, and the defaults in the due administration of the laws, are to be imputed to the king and his ministers;[3] and if, therefore, the king chooses to excuse his own mismanagement, he is bound to be answerable for his officers, whom he must summon and arraign before his council, whose decision is to be given after they have made their defence, seeing no man ought to be condemned before he is called and openly accused."

After this preamble, in which it is singular at this early period to see clearly announced the principle of the king's responsibility through his ministers, it is declared, that since the king, for sickness of his person, is not able to labour in the government of the realm, nor to restrain "tresspassours," the council have judged it expedient that the Duke of Rothesay should be the king's lieutenant generally throughout the land for the term of three years, having full power in all things, equally as if he were himself the king, under the condition that he is to be obliged, by his oath, to

[1] Chamberlain Accounts, vol. ii. p. 349. Winton, vol. ii. pp. 376, 377.

[2] This valuable manuscript Record of the Parliament 1398, was politely communicated to me by Mr Thomson, Deputy-clerk Register, to whom we owe its discovery. It will be printed in the first volume of the Acts of the Parliament of Scotland. It appears not to be an original record, but a contemporaneous translation from the Latin original, now lost.

[3] Skene, in his statutes of Robert the Third, p. 55, has suppressed the words, "sulde be imputyt to the kyng." His words are, "sulde be imput to the king's officiars."

administer the office according to the directions of the Council-General; or, in absence of the parliament, with the advice of a council of experienced and faithful men, of whom the principal are to be the Duke of Albany, and Walter Stewart, lord of Brechin, the Bishops of St Andrews, Glasgow, and Aberdeen, and the Earls of Douglas, Ross, Moray, and Crawford. To these were added, the Lord of Dalkeith, the Constable Sir Thomas Hay, the Marshal Sir William Keith, Sir Thomas Erskine, Sir Patrick Graham, Sir John Levingston, Sir William Stewart, Sir John of Ramorgny, Adam Forester, along with the Abbot of Holyrood, the Archdean of Lothian, and Mr Walter Forester. It was next directed, that the different members of this council should take an oath to give to the young regent "lele counsail, for the common profit of the realm, nocht havande therto fede na frendschyp;" and that the duke himself be sworn to fulfil everything which the king, in his coronation oath, had promised to Holy Kirk and the people. These duties of the king were summarily explained to consist in the upright administration of the laws; the maintenance of the old manners and customs for the people; the restraining and punishing of all manslayers, reifars, brennars, and generally all strong and masterful misdoers; and more especially in the seizing and putting down of all cursed or excommunicated men and heretics.

Such being the full powers committed to the regent, provision was made against an abuse very common in those times. The king, it was declared, shall be obliged not to "let or hinder the prince in the execution of his office by any counter-orders, as has hitherto happened; and if such were given, the lieutenant was not to be bound either to return an answer or to obey them." It was next directed by the parliament that whatever measures were adopted, or orders issued, in the execution of this office, should be committed to writing, with the date of the day and place, and the names of the councillors by whose advice they were adopted, so that each councillor may be ready to answer for his own deed, and, if necessary, submit to the punishment which, in the event of its being illegal, should be adjudged by the council-general. It was determined in the same parliament that the prince, in the discharge of his duties as lieutenant, was to have the same salary allowed him as that given to the Duke of Albany, his predecessor in the office of regent, at the last council-general held at Stirling. With regard to the relations with foreign powers, it was resolved that an embassy, or, as it is singularly called, "a great message," be despatched to France, and that commissioners should be appointed to treat at Edinburgh of the peace with England, to determine whether the truce of twenty-eight years should be accepted or not.

On the subject of finance, a general contribution of eleven thousand pounds was raised for the common necessities of the kingdom, of which the clergy agreed to contribute their share, under protestation that it did not prejudice them in time to come; and the said contribution was directed to be levied upon all goods, cattle, and lands, as well demesne as other lands, excepting white sheep, riding-horses, and oxen for labour. With regard to the burgesses who were resident beyond the Forth, it was stated that they must contribute to this tax, as well as those more opulent burghers who dwelt in the south, upon protestation that their ancient laws and free customs should be preserved; that they should be required to pay only the same duties upon wool, hides, and skins, as in the time of King Robert last deceased, and be free from all tax upon salmon. The statutes which were passed in the council held at Perth in April last, regarding the payment of duties upon English and Scotch cloth, salt, flesh, grease, and butter, as well as horse and cattle, exported to England, were appointed to be continued in force; and the provisions of the same parliament went on to declare that, considering the "great and horrible de-

structions, herschips, burning, and slaughter, which disgraced the kingdom, it was ordained, by consent of the three estates, that every sheriff should make proclamation that no man riding or going through the country be accompanied with more attendants than they are able to pay for; and that, under penalty of the loss of life and goods, no man disturb the country by such slaughters, burnings, raids, and destructions, as had been common under the late governor." The act also declared that, "after such proclamation has been made, the sheriff shall use all diligence to discover and arrest the offenders, and shall bind them over to appear and stand their trial at the next justice ayre: if unable to find bail, they were immediately to be put to the knowledge of an assize, and if found guilty, instantly executed."

With regard to those higher and more daring offenders, whom the power of the sheriff or his inferior officers was altogether unable to arrest, (and there can be little doubt that this class included the greater portion of the nobles,) it was provided that this officer "should publicly declare the names of them that may not be arrested, enjoining them within fifteen days to come and find bail to appear and stand their trial, under the penalty that all who do not obey this summons shall be put to the king's horn, and their goods and estate confiscated." The only other provision of this parliament regarded a complaint of the queen-mother, stating that her pension of two thousand six hundred marks had been refused by the Duke of Albany, the chamberlain, and an order by the king that it be immediately paid—a manifest proof of the jealousy which existed between this ambitious noble and the royal family.[1]

Whilst such was the course of events in Scotland, and the ambition of Rothesay in supplanting his uncle Albany was crowned with success, an extraordinary event had taken place in England, which seated Henry of Lancaster upon the throne, under the title of Henry the Fourth, and doomed Richard the Second to a perpetual prison. It was a revolution having in its commencement perhaps no higher object than to restrain within the limits of law the extravagant pretensions of the king; but it was hurried on to a consummation by a rashness and folly upon his part which alienated the whole body of his people, and opened up to his rival an avenue to the throne which it was difficult for human ambition to resist. The spectacle, however, of a king deposed by his nobles, and a crown forcibly appropriated by a subject who possessed no legitimate title, was new and appalling, and created in Scotland a feeling of indignant surprise, which is apparent in the accounts of our contemporary historians. Nor was this at all extraordinary. The feudal nobility considered the kingdom as a fee descendible to heirs, and regarded the right to the throne as something very similar to their own right to their estates; so that the principle that a kingdom might be taken by *conquest*, on the allegation that the conduct of the king was tyrannical, was one which, if it gave Henry of Lancaster a lawful title, might afford to a powerful neighbour just as good a right to seize upon their property. It was extraordinary for us to hear, says Winton, with much simplicity, that a great and powerful king, who was neither pagan nor heretic, should yet be deposed like an old abbot, who is superseded for dilapidation of his benefice;[2] and it is quite evident, from the terms of the address which Henry used at his coronation, and his awkward attempt to mix up the principle of the king having vacated the throne by setting himself above the laws, with a vague hereditary claim upon his own side, that the same ideas were present to his mind, and occasioned him uneasiness and perplexity.[3]

It is well known that he was scarce seated on the throne when a conspiracy for the restoration of the deposed monarch was discovered, which was

[1] MS. Record of Parliament 1398, ut supra.

[2] Winton, vol. ii. p. 386.

[3] Fordun a Goodal, vol. ii. p. 427.

soon after followed by the news that Richard had died in Pontefract castle, and by the removal of a body declared to be that of the late king from Pomfret to St Paul's, where, as it lay in state in its royal shroud, Henry himself, and the whole of the nobility, officiated in the service for the dead. A report, however, almost immediately arose, that this was not the body of the king, who, it was affirmed, was still alive, but that of Maudelain, his private chaplain, lately executed as one of the conspirators, and to whom the king bore a striking resemblance.[1] After the funeral service, it is certain that Henry did not permit the body to be deposited in the tomb which Richard had prepared for himself and his first wife, at Westminster, but had it conveyed to the church of the preaching friars at King's Langley, where it was interred with the utmost secrecy and despatch.[2]

Not long after this an extraordinary story arose in Scotland. King Richard, it was affirmed, having escaped from Pontefract, had found means to convey himself, in the disguise of a poor traveller, to the Western, or out Isles of Scotland, where he was accidentally recognised by a lady who had known him in Ireland, and who was sister-in-law to Donald, lord of the Isles. Clothed in this mean habit, the unhappy monarch sat down in the kitchen of the castle belonging to this island prince, fearful, even in this remote region, of being discovered and delivered up to Henry. He was treated, however, with much kindness, and given in charge to Lord Montgomery, who carried him to the court of Robert the Third, where he was received with honour. It was soon discovered that, whatever was the history of his escape, either misfortune for the time had unsettled his intellect, or that, for the purpose of safety, he assumed the guise of madness, for although recognised by those to whom his features were familiar, he himself denied that he was the king; and Winton describes him as half mad or wild. It is certain, however, that during the continuance of the reign of Robert the Third, and after his death, throughout the regency of Albany, a period of nineteen years, this mysterious person was treated with the consideration befitting the rank of a king, although detained in a sort of honourable captivity; and it was constantly asserted in England and France, and believed by many of those best able to obtain accurate information, that King Richard was alive, and kept in Scotland. So much, indeed, was this the case that, as we shall immediately see, the reign of Henry the Fourth, and of his successor, was disturbed by repeated conspiracies, which were invariably connected with that country, and which had for their object his restoration to the throne. It is certain also that in contemporary records of unquestionable authenticity, he is spoken of as Richard the Second, king of England; that he lived and died in the palace of Stirling; and that he was buried with the name, state, and honours of that unfortunate monarch.[3]

A cloud now began to gather over Scotland, which threatened to interrupt the quiet current of public prosperity, and once more to plunge the country into war. It was thought proper that the Duke of Rothesay, the heir-apparent to the throne, should no longer continue unmarried; and the Earl of March, one of the most powerful nobles in the kingdom, proposed his daughter, with the promise of a large dowry, as a suitable match for the young prince. The offer was accepted, but before the preliminaries were arranged, March found his designs traversed and defeated by the intrigues and ambition of a family now more powerful than his own. Archibald, earl of Douglas, loudly complained that the marriage of the heir to the crown was too grave a matter to be determined without the advice of the three estates, and, with the secret design of procuring the

[1] Metrical History of the Deposition of Richard the Second. Archæologia, vol. xx. p. 220.

[2] Otterburn, p. 229. Walsingham, p. 363. Gough's Sepulchral Monuments, vol. i. p. 168.

[3] See Historical Remarks on the Death of Richard the Second, infra.

prince's hand for his own daughter, engaged in his interest the Duke of Albany, who still possessed a great influence over the character of the king. What were Rothesay's own wishes upon the occasion is not easily ascertained. It is not improbable that his gay and dissipated habits, which unfortunately seem not to have been restrained by his late elevation, would have induced him to decline the proposals of both the earls; but he was overruled, the splendid dowry paid down by Douglas, which far exceeded the promises of March, was perhaps the most powerful argument in the estimation of the prince and the king, and it was determined that the daughter of Douglas should be preferred to Elizabeth of Dunbar.

In the meantime the intrigue reached the ears of March, who was not of a temper to suffer tamely so disgraceful a slight; and, little able or caring to conceal his indignation, he instantly sought the royal presence and upbraided the king for his breach of agreement, demanding redress and the restoration of the sum which he had paid down. Receiving an evasive reply, his passion broke out into the most violent language; and he left the monarch with a threat that he would either see his daughter righted, or take a revenge which should convulse the kingdom. The first part of the alternative, however, was impossible. It was soon discovered that Rothesay with great speed and secrecy had rode to Bothwell, where his marriage with Elizabeth Douglas had been precipitately concluded; and the moment that this intelligence reached him, March committed the charge of his castle of Dunbar to Maitland, his nephew, repaired to the English court, and entered into a correspondence with the new king.

His flight was the signal for the Douglases to wrest his castle out of the hands of the weak and irresolute youth to whom it had been intrusted, and to seize upon his noble estates; so that to the insult and injustice with which he had already been treated was added an injury which left him without house or lands, and compelled him to throw himself into the arms of England.[1]

On ascending the throne, the Duke of Lancaster, known henceforth by the title of Henry the Fourth, was naturally anxious to consolidate his power, and would willingly have remained at peace; but the expiration of the truce which had been concluded with his predecessor seems to have been hailed with mutual satisfaction by the fierce Borderers; and careless of the pestilence which raged in England, the Scots broke across the marches in great force, and stormed the castle of Wark during the absence of Sir Thomas Gray, the governor,[2] who, hurrying back to defend his charge, found it razed to the foundation. These inroads were speedily revenged by Sir Robert Umfraville, who defeated the Scots in a skirmish at Fullhopelaw, which was contested with much obstinacy. Sir Robert Rutherford with his five sons, Sir William Stewart, and John Turnbull, a famous leader, commonly called "Out wyth Sword," were made prisoners;[3] and the ancient enmity and rivalry between the two nations being again excited, the Borderers on both sides issued from their woods and marshes, and commenced their usual system of cruel and unsparing ravage.

For a while these mutual excesses were overlooked, or referred to the decision of the march-wardens; but Henry was well aware that the secret feelings both of the king and of Albany were against him: he knew they were in strict alliance with France, which threatened him with invasion; and the story of the escape of the real or pretended Richard, whom he of course branded as an impostor, while the Scots did not scruple to entertain him as king, was likely to rouse his keenest indignation. He accordingly received the Earl of March with distinguished favour; and this baron, whose remonstrances regarding the restoration of

1 Rotuli Scotiæ, vol. ii. p. 153. Rymer, Fœdera, vol. viii. p. 153.

2 Walsingham, p. 362.

3 Rymer, Fœdera, vol. viii. p. 162. "This expressive appellative" appears in Rymer, "Joannus Tournebuli Out wyth Sword."

his castle and estates had been answered with scorn, renounced his allegiance to his lawful sovereign, and agreed to become henceforward the faithful subject of the King of England;[1] upon which that monarch publicly declared his intention of instantly invading the country, and prepared, at the head of an army, to chastise the temerity of his vassal in the assumed character of Lord Superior of Scotland. In so ludicrous a light did the revival of this exploded claim appear, that, with the exception of a miserable pasquinade, it met with no notice whatever. March in the meantime, in conjunction with Hotspur and Lord Thomas Talbot, at the head of two thousand men, entered Scotland through the lands which he could no longer call his own, and wasting the country as far as the village of Popil, twice assaulted the castle of Hailes, but found himself repulsed by the bravery of the garrison; after which they burnt and plundered the villages of Traprain and Methill, and encamped at Linton, where they collected their booty, kindled their fires, and as it was a keen and cold evening in November, proposed to pass the night. So carelessly had they set their watches, however, that Archibald Douglas, the earl's eldest son, by a rapid march from Edinburgh, had reached the hill of Pencrag before the English received any notice of his approach; upon which they took to flight in the utmost confusion, pursued by the Scots, who made many prisoners in the wood of Coldbrandspath, and continued the chase to the walls of Berwick, where they took the banner of Lord Talbot.[2]

Soon after this Henry determined to make good his threats; and, at the head of an army far superior in number to any force which the Scots could oppose to him, proceeded to Newcastle; and from thence summoned Robert of Scotland to appear before him as his liegeman and vassal.[3] To this ridiculous demand no answer was returned, and the king advanced into Scotland, directing his march towards the capital. Rothesay, the governor, now commanded the castle of Edinburgh, and, incensed at the insolence of Henry, sent him his cartel, publicly defying him as his adversary of England; accusing him of having invaded, for the sole love of plunder, a country to which he had no title whatever; and offering to decide the quarrel, and spare the effusion of Christian blood which must follow a protracted war, by a combat of one hundred, two hundred, or three hundred nobles on each side.[4] This proposal Henry evaded, and proceeded without a check to Leith, from which he directed a monitory letter to the king, which, like his former summons, was treated with silent scorn.

The continuance of the expedition is totally deficient in historical interest, and is remarkable only from the circumstance that it was the last invasion which an English monarch ever conducted into Scotland. It possessed, also, another distinction highly honourable to its leader, in the unusual lenity which attended the march of the army, and the absence of that plunder, burning, and indiscriminate devastation, which had accompanied the last great invasion of Richard, and indeed almost every former enterprise of the English. After having advanced to Leith, where he met his fleet, and reprovisioned his army, Henry proceeded to lay siege to the castle of Edinburgh, which was bravely defended by the Duke of Rothesay. Albany in the meantime having collected a numerous army, pushed on by rapid marches towards the capital, with the apparent design of raising the siege and relieving the heir to the throne from the imminent danger to which he was exposed. On reaching Calder-moor, however, he pitched his tents, and shewed no inclination to proceed; whilst public rumour loudly accused him of an intention to betray the prince into the hands of the enemy, and clear for himself a passage to the throne. Yet, although the prior and subsequent

[1] Rymer, Fœdera, vol. viii. p. 153.
[2] Fordun a Goodal, vol. ii. p. 429.
[3] Rymer, Fœdera, vol. viii. pp. 157, 158.
[4] Rymer, Fœdera, vol. viii. p. 158.

conduct of Albany gave a plausible colour to such reproaches, it is not impossible that the duke might have avoided a battle without any such base intentions. The season of the year was far advanced, and the numerous host of the English king was already suffering grievously, both from sickness and want of provisions. Rothesay, on the contrary, and his garrison, were well provisioned, in high spirits, and ready to defend a fortress of great natural strength to the last extremity. The event shewed the wisdom of these calculations; for Henry, after a short experience of the strength of the castle, withdrew his army from the siege; and receiving, about the same time, intelligence of the rebellion of the Welsh, commenced his retreat into England.

It was conducted with the same discipline and moderation which had marked his advance. Wherever a castle or fortalice requested protection it was instantly granted, and a pennon with the arms of England was hung over the battlements, which was sacredly respected by the soldiers. Henry's reply to two canons of Holyrood, who besought him to spare their monastery, was in the same spirit of benevolence and courtesy. "Never," said he, "while I live, shall I cause distress to any religious house whatever: and God forbid that the monastery of Holyrood, the asylum of my father when an exile, should suffer aught from his son! I am myself a Cumin, and by this side half a Scot; and I came here with my army, not to ravage the land, but to answer the defiance of certain amongst you who have branded me as a traitor, to see whether they dare to make good the opprobrious epithets with which I am loaded in their letters to the French king, which were intercepted by my people, and are now in my possession. I sought him" (he here probably meant the Duke of Albany) "in his own land, anxious to give him an opportunity of establishing his innocence, or proving my guilt; but he has not dared to meet me."[1]

[1] Fordun a Goodal, vol. ii. p. 430.

That these were not the real motives which led to an expedition so pompous in its preliminaries, and so inglorious in its results, Henry himself has told us, in the revival of the claim of homage, the summons to Robert as his vassal, and his resolution to punish his contumacy, and to compel him to sue for pardon; but when he discovered that any attempt to effect this would be utterly futile, and the rumours of the rebellion of Glendower made him anxious to return, it was not impolitic to change his tone of superiority into more courteous and moderate language, and to represent himself as coming to Scotland, not as a king to recover his dominions, but simply as a knight to avenge his injured honour. He afterwards asserted that, had it not been for the false and flattering promises of Sir Adam Forester, made to him when he was in Scotland, he should not have so readily quitted that country; but the subject to which the king alluded is involved in great obscurity.[2] It may, perhaps, have related to the delivery into his hands of the mysterious captive who is supposed to have been Richard the Second.

The condition of the country now called for the attention of the great national council; and on the 21st of February 1401, a parliament was held at Scone,[3] in which many wise and salutary laws were passed. To some of these, as they throw a strong and clear light upon the civil condition of the country, it will be necessary to direct our attention; nor will the reader, perhaps, regret that the stirring narrative of war is thus sometimes broken by the quiet pictures of peace. The parliament was composed of the bishops, abbots, and priors, with the dukes, earls, and barons, and the freeholders and burgesses, who held of the king in chief. Its enactments appear to have related to various subjects connected with feudal possession: such as the brief of inquest; the duty of the chancellor in directing a precept

[2] Parliamentary Hist. of England, vol. ii. p. 72.

[3] Statutes of King Robert the Third, p. 51. Regiam Majestatem.

of seisin upon a retour; the prevention of distress to vassals from all improper recognition of their lands made by their overlords; the regulation of the laws regarding the succession to a younger brother dying without heirs of his body; and the prevention of a common practice, by which, without consent of the vassal, a new superior was illegally imposed upon him. Owing to the precarious condition of feudal property, which, in the confusions incident to public and private war, was constantly changing its master, and to the tyranny of the aristocracy of Scotland, it is not surprising that numberless abuses should have prevailed, and that, to use the expressive language of the record itself, "divers and sindrie our soverane lordis lieges should be many wayes unjustlie troubled and wexed in their lands and heritage be inquisitions taken favorably, and be ignorant persons." To remedy such malversation, it was enacted that no sheriff or other judge should cause any brief of inquest to be served, except in his own open court; and that the inquest should be composed of the most sufficient and worthy persons resident within his jurisdiction, whom he was to summon upon a premonition of fifteen days. When an inquest had made a retour, by which the reader is to understand the jury giving their verdict or judgment, the chancellor was prohibited from directing a precept of seisin, or a command to deliver the lands into the hands of the vassal, unless it appeared clearly stated in the retour that the last heir was dead, and the lands in the hands of the king or the overlord.

It was enacted, at the same time, that all barons and freeholders who held of the king should provide themselves with a seal bearing their arms, and that the retour should have appended to it the seals of the sheriff, and of the majority of the persons who sat upon the inquest. It appears to have been customary in those unquiet times, when "strongest might made strongest right," for the great feudal barons, upon the most frivolous pretences, to resume their vassals' lands, and to dispose of them to some more favoured or more powerful tenant. This great abuse, which destroyed all the security of property, and thus interrupted the agricultural and commercial improvement of the country, called for immediate redress; and a statute was passed, by which all such "gratuitous recognitions or resumptions of lands which had been made by any overlord, are declared of none effect, unless due and lawful cause be assigned for such having taken place." It was provided, also, that no vassal should lose possession of his lands in consequence of such recognition until after the expiration of a year, provided he used diligence to repledge his lands within forty days thereafter.[1] The mode in which this ceremony is to be performed is briefly but clearly pointed out: the vassal being commanded to pass to the principal residence of his overlord, and, before witnesses, to declare his readiness to perform all feudal services to which he is bound by law, requesting the restoration of his lands upon his finding proper security for the performance of his duties as vassal; and in order to the prevention of all concealed and illegal resumptions, it is made imperative on the overlord to give due intimation of them in the parish church, using the common language of the realm; whilst the vassal is commanded to make the same proclamation of any offer to repledge in the same public manner. In the event of a younger brother dying without heirs of his body, it is declared that his "conquest lands"—that is, those acquired not by descent, but by purchase, or other title—should belong to the immediate elder brother, according to the old law upon the subject; and it is made illegal for any vassal holding lands of the king to have a new superior imposed upon him by any grant whatever, unless he himself consent to this alteration.

In those times of violence, it is interesting to observe the feeble attempts of the legislature to introduce these restraints of the law. In the event of

[1] Statutes of King Robert the Third, pp. 52, 55.

a baron having a claim of debt against any unfortunate individual, it seems to have been a common practice for the creditor, on becoming impatient, to have proceeded to his house or lands, and there to have helped himself to an equivalent, or, in the language of the statute-book, "to have taken his poynd." And in such cases, where a feudal lord, with his vassals at his heel, met with any attractive property, in the form of horses or cattle, or rich household furniture, it may easily be believed that he would stand on little ceremony as to the exact amount of the debt, but appropriate what pleased him without much compunction. This practice was declared illegal, "unless the seizure be made within his own dominions, and for his own proper debt:" an exception proving the extreme feebleness of the government; and, in truth, when we consider the immense estates possessed at this period by the great vassals of the crown, amounting almost to a total annulment of the law.[1] In somewhat of the same spirit of toleration, a law was made against any one attempting, by his own power and authority, to expel a vassal from his lands, on the plea that he is not the rightful heir: and it was declared that, whether he be possessed of the land lawfully or unlawfully, he shall be restored to his possession, and retain the same until he lose it by the regular course of law; whilst no penalty was inflicted on him who thus dared, in the open defiance of all peace and good government, to take the execution of the law into his own hands.

It was next declared unlawful to set free upon bail certain persons accused of great or heinous crimes; and the offenders thus excepted were described to be those taken for manslaughter, breakers of prison, common and notorious thieves, persons apprehended for fire-raising or felony, falsifiers of the king's money or of his seal; such as have been excommunicated, and seized by command of the bishop; those accused of treason, and bailies who are in arrears, and make not just accounts to their masters.[2] Any excommunicated person who complains that he has been unjustly dealt with, was empowered within forty days to appeal from his judge to the conservator of the clergy, who, being advised by his counsel, must reform the sentence; and, if the party still conceived himself to be aggrieved, it was made lawful for him to carry his appeal, in the last instance, to the General Assembly of the Church. With regard to the trial of cases by "singular combat," a wise attempt seems to have been made in this parliament to limit the circumstances under which this savage and extraordinary mode of judgment was adopted; and it is declared that there must be four requisites in every crime before it is to be so tried. It must infer a capital punishment—it must have been secretly perpetrated—the person appealed must be pointed out by public and probable suspicion as its author—and it must be of such a nature as to render a proof by written evidence or by witnesses impossible. It was appointed that the king's lieutenant, and others the king's judges, should be bound and obliged to hear the complaints of all churchmen, widows, pupils, and orphans, regarding whatever injuries may have been committed against them; and that justice should be done to them speedily, and without taking from them any pledges or securities. Strict regulation was made that all widows, who, after the death of their husbands, had been violently expelled from their dower lands, should be restored to their possession, with the accumulated rents due since their husband's death; and it was specially provided, that interest or usury should not run against the debts of a minor until he is of perfect age, but that the debt should be paid with the interest which was owing by his predecessor previous to his decease.[3]

Some of the more minute regulations of the same parliament were curious: a fine of a hundred shillings was imposed on all who catch salmon within

[1] Statutes of King Robert the Third, p. 54.

[2] Statutes of King Robert the Third, p. 54.

[3] Ibid. p. 56.

the forbidden time; a penalty of six shillings and eightpence on all who slay hares in time of snow; and it was strictly enjoined, as a statute to be observed through the whole realm, that there should be no muir-burning, or burning of heath, except in the month of March; and that a penalty of forty shillings should be imposed upon any one who dared to infringe this regulation, which should be given to the lord of the land where the burning had taken place.[1] With regard to a subject of great importance, "the assize of weightis and measuris," it is to be regretted that the abridgment of the proceedings of this parliament, left by Skene, which is all that remains to us, is in many respects confused and unintelligible. The original record itself is unfortunately lost. The chapter upon weights and measures commences with the declaration, that King David's common elne, or ell, had been found to contain thirty-seven measured inches, each inch being equal to three grains of bear placed lengthways, without the tail or beard. The stone, by which wool and other commodities were weighed, was to contain fifteen pounds; but a stone of wax, only eight pounds: the pound itself being made to contain fifteen ounces, and to weigh twenty-five shillings. It is observed, in the next section of this chapter, that the pound of silver in the days of King Robert Bruce, the first of that name, contained twenty-six shillings and four pennies, in consequence of the deterioration of the money of this king from the standard money in the days of David the First, in whose time the ounce of silver was coined into twenty pennies. The same quantity of silver under Robert the First was coined into twenty-one pennies; "but now," adds the record, "in our days, such has been the deterioration of the money of the realm, that the ounce of silver actually contains thirty-two pennies."

It was enacted that the boll should contain twelve gallons, and should be nine inches in depth, including the thickness of the tree on both the sides. In the roundness or circumference above, it was to be made to contain threescore and twelve inches in the middle of the "ower tree;" but in the inferior roundness or circumference below, threescore eleven inches. The gallon was fixed to contain twelve pounds of water, four pounds of sea water, four of clear running water, and four of stagnant water. Its depth was to be six inches and a half, its breadth eight inches and a half, including the thickness of the wood on both sides; its circumference at the top twenty-seven inches and a half, and at the bottom twenty-three inches.[2] Such were all the regulations with regard to this important subject which appear in this chapter, and they are to be regarded as valuable and venerable relics of the customs of our ancestors; but the perusal of a single page of the Chamberlain Accounts will convince us how little way they go towards making up a perfect table of weights and measures, and how difficult it is to institute anything like a fair comparison between the actual wealth and comfort of those remote ages, and the prosperity and opulence of our own times.

The parliament next turned its attention to the providing of checks upon the conduct and administration of judges: a startling announcement, certainly, to any one whose opinions are formed on modern experience, but no unnecessary subject for parliamentary interference during these dark times. It was enacted that every sheriff should have a clerk appointed, not by the sheriff, but by the king, to whom alone this officer was to be responsible; and that such clerk should be one of the king's retinue and household, and shall advise with the king in all the affairs which were intrusted to him.[3] The sheriffs themselves were to appear yearly, in person or by deputy, in the king's Court of Exchequer, under the penalty of ten pounds, and removal from office; their fees, or salaries, were made payable out of the

[1] Statutes of King Robert the Third, pp. 53, 54.

[2] Statutes of King Robert the Third, p. 56

[3] Ibid. p. 57.

escheats in their own courts, and were not due until an account had been given by them in the Exchequer; and it was specially ordained that no sheriff should pass from the king's court to execute his various duties in the sheriffdom, without having along with him for his information the "Acts of Parliament, and certain instructions in writ, to be given him by the king's Privy Council." It was enacted that justiciars should be appointed upon the south side and north side of the water of Forth; it was made imperative upon these high judges to hold their courts twice in the year in each sheriffdom within their jurisdiction; and if any justiciar omitted to hold his court without being able to allege any reasonable impediment, he was to lose a proportion of his salary, and to answer to the king for such neglect of duty.

The process of all cases brought before the justiciar was appointed to be reduced into writing by the clerk; and a change was introduced from the old practice with regard to the circumstances under which any person summoned before the justiciar should be judged and punished as contumacious for not appearing. Of old, the fourth court—that is, the court held on the fourth day—was peremptory in all cases except such as concerned fee and heritage; but it was now appointed that the second court, or the court held on the second day, and on the last day, should be peremptory; and any person who, being lawfully summoned, neglected to appear on either of these days, was to be denounced a rebel and put to the horn, as was the custom in "auld times and courts." [1] The officer of the coroner was to arrest persons thus summoned; and it was declared lawful for such officers to make such arrests at any time within the year, either before or after the proclamation of the justice ayre. All lords of regality—by which the reader is to understand such feudal barons as possessed authority to hold their own courts within a certain division of property, all sheriffs, and all barons, who have the power of holding criminal courts—were strictly enjoined to follow the same order of proceeding as that which has been laid down for the observance of the justiciars. These supreme judges were also commanded, in their annual courts, to inquire rigidly into the conduct of the sheriffs and other inferior officers; to scrutinise the manner in which they have discharged the duties committed to them; and, if they found them guilty of malversation, to remove them from their offices until the meeting of the next parliament. Any sheriff or inferior officer thus removed, was to find security for his appearance before the parliament, who, according to their best judgment, were to determine the punishment due for his offence, whether a perpetual removal from his office, or only a temporary suspension; and, in the meanwhile, the person so offending was ordained to lose his salary for that year, and another to be substituted by the justiciar in his place.

With regard to such malefactors as were found to be common destroyers of the land, wasting the king's lieges with plundering expeditions, burning and consuming the country in their ruinous passage from one part to another, the sheriffs were commanded to do all diligence to arrest them, and to bind them over to appear at the next court of the justiciar on a certain day, under a penalty of twenty pounds for each offender, to be paid in case of contumacy, or non-appearance, by those persons who were his sureties; and it was strictly enjoined that no person, in riding through the country, should be attended by more persons than those for whom he makes full payment, under the penalty of loss of life and property. In all time coming, no one was to be permitted with impunity to commit any slaughter, burning, theft, or "herschip;" and if the offender guilty of such crimes be not able to find security for his appearance to stand his trial before the justiciar, the sheriff was enjoined instantly to try him by an assize, and, if the crime be proved against him, take order for

[1] Statutes of King Robert the Third, p. 57.

his execution. In the case of thieves and malefactors who escaped from one sheriffdom to another, the sheriff within whose jurisdiction the crime had been committed, was bound to direct his letters to the sheriff in whose county the delinquent had taken refuge. It was made imperative on such officer, with the barons, freeholders, and others the king's lieges, to assist in the arrest of such fugitives, in order to their being brought to justice; and this in every case, as well against their own vassals and retinue as against others; whilst any baron or other person who disobeyed this order, and refused such assistance, was to pay ten pounds to the king, upon the offence being proved against him before a jury.

It was made lawful for any tenant or farmer who possessed lands under a lease of a certain endurance, to sell or dispose of the lease to whom he pleased, any time before its expiry. Any vassal or tenant who was found guilty of concealing the charter by which he held his lands, when summoned by his overlord to exhibit it, was to lose all benefit he might claim upon it; and in the case of a vassal having lost such charter, or of his never having had any charter, a jury was to be impannelled, in the first event, for the purpose of investigating by witnesses whether the manner of holding corresponds with the tenor of the charter which had been lost; and, in the second case, to establish by what precise manner of holding the vassal was in future to be bound to his overlord, which determination of the assize was in future to stand for his charter. If any person, in consequence of the sentence of a jury, had taken seisin or possession of land which was then in the hands of another, who affirmed it to be his property, it was made lawful for this last to retain possession, and to break the seisin, by instituting a process for its reduction within fifteen days, if the lands be heritage, and forty days if they be conquest. If any pork or bacon, which was unwholesome from any cause, or salmon spoilt and foul from being kept too long, was brought to market, it was to be seized by the bailies, and sent immediately to the "lipper folk," [1]—a species of barbarous economy which says little for the humanity of the age; the bailies, at the same time, were to take care that the money paid for it be restored, and "gif there are no lipper folk," the obnoxious provisions were to be destroyed.[2]

Such is an outline of the principal provisions of this parliament, which I have detailed at some length, as they are the only relics of our legislative history which we shall meet with until the reign of the first James; a period when the light reflected upon the state of the country, from the parliamentary proceedings, becomes more full and clear. Important as these provisions are, and evincing no inconsiderable wisdom for so remote a period, it must be recollected that, in such days of violence and feudal tyranny, it was an easier thing to pass acts of parliament than to carry them into execution. In all probability, there was not an inferior baron, who, sitting in his own court, surrounded by his mail-clad vassals, did not feel himself strong enough to resist the feeble voice of the law; and as for the greater nobles, to whom such high offices as Justiciar, Chancellor, or Chamberlain, were committed, it is certain, that instead of the guardians of the laws, and protectors of the rights of the people, they were themselves often their worst oppressors, and, from their immense power and vassalage, able in frequent instances to defy the mandates of the crown, and to resist all legitimate authority.

Of this prevalence of successful guilt in the higher classes, the history of the country during the year in which this parliament assembled, afforded a dreadful example, in the murder of the Duke of Rothesay, the heir-apparent to the throne, by his uncle the Duke of Albany. Rothesay's marriage, which in all probability was

1 Leprous folk.

2 Statutes of King Robert the Third, p. 59.

the result of political convenience more than of inclination, does not appear to have improved his character. At an age when better things were to be expected, his life continued turbulent and licentious; the spirit of mad unbridled frolic in which he indulged, the troops of gay and dissipated companions with whom he associated, gave just cause of offence to his friends, and filled the bosom of his fond and weak father with anxiety and alarm. Even after his assuming the temporary government of the country, his conduct was wild and unprincipled; he often employed the power intrusted to him against, rather than in support of, the laws and their ministers; plundered the collectors of the revenue;[1] threatened and overruled the officers to whose management the public money was intrusted; and exhibited an impatience for uncontrolled dominion.

Yet amid all his recklessness, there was a high honour and a courageous openness about Rothesay, which were every now and then breaking out, and giving promise of reformation. He hated all that was double, whilst he despised, and delighted to expose, that selfish cunning which he had detected in the character of his uncle, whose ambition, however carefully concealed, could not escape him. Albany, on the other hand, was an enemy whom it was the extremity of folly and rashness to provoke. He was deep, cold, and unprincipled; his objects were pursued with a pertinacity of purpose, and a complete command of temper, which gave him a great superiority over the wild and impetuous nobility by whom he was surrounded; and when once in his power, his victims had nothing to hope for from his pity. Rothesay he detested, and there is reason to believe had long determined on his destruction, as the one great obstacle which stood in the path of his ambition, and as the detector of his deep-laid intrigues; but he was for a while controlled and overawed by the influence of the queen, and of her two principal friends and advisers, Trail, bishop of St Andrews, and Archibald the Grim, earl of Douglas. Their united wisdom and authority had the happiest effects in restraining the wildness of the prince: soothing the irritated feelings of the king, whose age and infirmity had thrown him into complete retirement; and counteracting the ambition of Albany, who possessed too great an influence over the mind of the monarch. But soon after this the queen died; the Bishop of St Andrews and the Earl of Douglas did not long survive her; and, to use the strong expression of Fordun, it was now said commonly through the land,[2] that the glory and the honesty of Scotland were buried with these three noble persons. All began to look with anxiety for what was to follow; nor were they long kept in suspense. The Duke of Rothesay, freed from the gentle control of maternal love, broke into some of his accustomed excesses; and the king, by the advice of Albany, found it necessary to subject him to a control which little agreed with his impetuous temper.

It happened that amongst the prince's companions was a Sir John de Ramorgny, who, by a judicious accommodation of himself to his capricious humours, by flattering his vanity and ministering to his pleasures, had gained the intimacy of Rothesay. Ramorgny appears to have been one of those men in whom extraordinary, and apparently contradictory qualities were found united. From his education, which was of the most learned kind, he seems to have been intended for the church; but the profligacy of his youth, and the bold and audacious spirit which he exhibited, unfitted him for the sacred office, and he became a soldier and a statesman. His great talents for business being soon discovered by Albany, he was repeatedly employed in diplomatic negotiations both at home and abroad; and this intercourse with foreign countries, joined to a cultivation of those

[1] Chamberlain Accounts, vol. ii. pp. 512, 520, 476.

[2] Fordun a Goodal, vol. ii. p. 431. Extracta ex Chronicis Scotiæ, MS. p. 248.

elegant accomplishments to which most of the feudal nobility of Scotland were still strangers, rendered his manners and his society exceedingly attractive to the young prince. But these polished and delightful qualities were superinduced upon a character of consummate villany, as unprincipled in every respect as that of Albany, but fiercer, more audacious, and, if possible, more unforgiving.

Such was the person whom Rothesay, in an evil moment, admitted to his confidence and friendship, and to whom, upon being subjected to the restraint imposed upon him by Albany and his father, he vehemently complained. Ramorgny, with all his acuteness, had in one respect mistaken the character of the prince; and, deceived by the violence of his resentment, he darkly hinted at a scheme for ridding himself of his difficulties by the assassination of his uncle. To his astonishment the proposal was met by an expression of scorn and abhorrence; and whilst Rothesay disdained to betray his profligate associate, he upbraided him in terms too bitter to be forgiven. From that moment Ramorgny was transformed into his worst enemy; and throwing himself into the arms of Albany, became possessed of his confidence, and turned it with fatal revenge against Rothesay.[1] It was unfortunate for this young prince that his caprice and fondness for pleasure, failings which generally find their punishment in mere tedium and disappointment, had raised against him two powerful enemies, who sided with Albany and Ramorgny, and, stimulated by a sense of private injury, readily lent themselves to any plot for his ruin. These were Archibald, earl of Douglas, the brother of Rothesay's wife, Elizabeth Douglas, and Sir William Lindsay of Rossie, whose sister he had loved and forsaken. Ramorgny well knew that Douglas hated the prince for the coldness and inconstancy with which he treated his wife, and that Lindsay had never forgiven the slight put upon his sister; and with all the dissimulation in which he was so great a master, he, assisted by Albany, contrived out of these dark elements to compose a plot which it would have required a far more able person than Rothesay to have defeated.

They began by representing to the king, whose age and infirmities now confined him to a distant retirement, and who knew nothing but through the representations of Albany, that the wild and impetuous conduct of his son required a more firm exertion of restraint than any which had yet been employed against him. The bearers of this unwelcome news to the king were Ramorgny and Lindsay; and such was the success of their representations, that they returned to Albany with an order under the royal signet to arrest the prince and place him in temporary confinement. Secured by this command, the conspirators now drew their meshes more closely round their victim; and the bold and unsuspicious character of the prince gave them every advantage. It was the custom in those times for the castle or palace of any deceased prelate to be occupied by the king until the election of his successor; and although the triennial period of the prince's government was now expired, yet probably jealous of the resumption of his power by Albany, he determined to seize the castle of St Andrews, belonging to Trail the bishop, lately deceased, before he should be anticipated by any order of the king. The design was evidently illegal; and Albany, who had received intimation of it, determined to make it the occasion of carrying his purpose into execution. He accordingly laid his plan for intercepting the prince; and Rothesay, as he rode towards St Andrews, accompanied by a small retinue, was arrested near Stratyrum by Ramorgny and Lindsay, and subjected to a strict confinement in the castle of St Andrews, until the duke and the Earl of Douglas should determine upon his fate.

This needed little time, for it had been long resolved on; and when

[1] Extracta ex Chronicis Scotiæ, MS. Advocates Library, Edinburgh, p. 248

once masters of his person, the catastrophe was as rapid as it was horrible. In a tempestuous day Albany and Douglas, with a strong party of soldiers, appeared at the castle, and dismissed the few servants who waited on him. They then compelled him to mount a sorry horse, threw a coarse cloak over his splendid dress, and hurrying on, rudely and without ceremony, to Falkland, thrust him into a dungeon. The unhappy prince now saw that his death was determined; but he little anticipated its cruel nature. For fifteen days he was suffered to remain without food, under the charge of two ruffians named Wright and Selkirk,[1] whose task it was to watch the agony of their victim till it ended in death. It is said that for a while the wretched prisoner was preserved in a remarkable manner by the kindness of a poor woman, who, in passing through the garden of Falkland, and attracted by his groans to the grated window of his dungeon, which was level with the ground, became acquainted with his story. It was her custom to steal thither at night, and bring him food by dropping small cakes through the grating, whilst her own milk, conducted through a pipe to his mouth, was the only way he could be supplied with drink. But Wright and Selkirk, suspecting from his appearance that he had some secret supply, watched and detected the charitable visitant, and the prince was abandoned to his fate. When nature at last sunk, his body was found in a state too horrible to be described, but which shewed that, in the extremities of hunger, he had gnawed and torn his own flesh. It was then carried to the monastery of Lindores, and there privately buried, while a report was circulated that the prince had been taken ill and died of a dysentery.[2]

The public voice, however, loudly and vehemently accused his uncle of the murder; the cruel nature of his death threw a veil over the folly and licentiousness of his life; men began to remember and to dwell upon his better qualities; and Albany found himself daily becoming more and more the object of scorn and detestation. It was necessary for him to adopt some means to clear himself of such imputations; and the skill with which the conspiracy had been planned was now apparent: he produced the king's letter commanding the prince to be arrested; he affirmed that everything which had been done was in consequence of the orders he had received, defying any one to prove that the slightest violence had been used; and he appealed to and demanded the judgment of the parliament. This great council was accordingly assembled in the monastery of Holyrood on the 16th of May 1402; and a solemn farce took place, in which Albany and Douglas were examined as to the causes of the prince's death. Unfortunately no original record of the examination or of the proceedings of the parliament has been preserved. The accused, no doubt, told the story in the manner most favourable to themselves, and none dared to contradict them; so that it only remained for the parliament to declare themselves satisfied, and to acquit them of all suspicion of a crime which they had no possibility of investigating. Even this, however, was not deemed sufficient, and a public remission was drawn up under the king's seal, declaring their innocence, in terms which are quite conclusive as to their guilt.[3]

The explanation of these unjust and extraordinary proceedings, is to be found in the exorbitant power of Douglas and Albany, and the weakness of the unhappy monarch, who

[1] John Wright and John Selkirk are the names, as given by Fordun a Goodal, vol. ii. p. 431. In the Chamberlain Accounts, vol. ii. p. 666, sub anno 1405, is the following entry, which perhaps relates to this infamous person: "Johanni Wright uni heredum quondam Ricardi Ranulphi, per infeodacionem antiquam regis Roberti primi percipienti per annum hereditarie quinque libras de firmis dicti burgi, (Aberdeen.)"

[2] Fordun a Goodal, vol. ii. p. 431. Chamberlain Accounts, vol. ii. p. 511.

[3] This deed was discovered by Mr Astle, and communicated by him to Lord Hailes, who printed it in his Remarks on the History of Scotland.

bitterly lamented the fate of his son, and probably well knew its authors, but dreaded to throw the kingdom into those convulsions which must have preceded their being brought to justice. Albany, therefore, resumed his situation of governor; and the fate of Rothesay was soon forgotten in preparations for continuing the war with England.

The truce, as was usual, had been little respected by the Borderers of either country; the Earl of Douglas being accused of burning Bamborough castle, and that baron reproaching Northumberland for the ravages committed in Scotland. The eastern marches especially were exposed to constant ravages by the Earls of March and the Percies; nor was it to be expected that so powerful a baron as March would bear to see his vast possessions in the hands of the house of Douglas without attempting either to recover them himself, or, by havoc and burning, to make them useless to his enemy. These bitter feelings led to constant and destructive invasions; and the Scottish Border barons—the Haliburtons, the Hepburns, Cockburns, and Lauders—found it necessary to assemble their whole power, and intrust the leading of it by turns to the most warlike amongst them, a scheme which rendered every one anxious to eclipse his predecessor by some exploit or successful point of arms, termed, in the military language of the times, *chevanches*. On one of these occasions the conduct of the little army fell to Sir Patrick Hepburn of Hailes, whose father, a venerable soldier of eighty years, was too infirm to take his turn in command. Hepburn broke into England, and laid waste the country; but his adventurous spirit led him too far on, and Percy and March had time to assemble their power, and to intercept the Scots at Nesbit Moor, in the Merse, where a desperate conflict took place. The Scots were only four hundred strong, but they were admirably armed and mounted, and had amongst them the flower of the warriors of the Lothians; the battle was for a long time bloody and doubtful, till the Master of Dunbar, joining his father and Northumberland with two hundred men from the garrison at Berwick, decided the fortune of the day.[1] Hepburn was slain, and his bravest knights either shared his fate or were taken prisoners. The spot where the conflict took place is still known by the name of Slaughter Hill.[2] So important did Henry consider this success, probably from the rank of the captives, that, in a letter to his privy council, he informed them of the defeat of the Scots; complimented Northumberland and his son on their activity, and commanded them to issue their orders for the array of the different counties, as their indefatigable enemies, in great strength, had already ravaged the country round Carlisle, and were meditating a second invasion.

Nor was this inaccurate intelligence; for the desire of revenging the loss sustained at Nesbit Moor, and the circumstance of the King of England being occupied in the suppression of the Welsh rebellion under Glendower, encouraged the Earl of Douglas to collect his whole strength; and Albany, the governor, having sent his eldest son, Murdoch, to join him with a strong body of archers and spearmen, their united force was found to amount to ten thousand men. The Earls of Moray and Angus; Fergus Macdowall, with his fierce and half-armed Galwegians; the heads of the noble houses of Erskine, Grahame, Montgomery, Seton, Sinclair, Lesley, the Stewarts of Angus, Lorn, and Durisdeer, and many other knights and esquires, embracing the greater part of the chivalry of Scotland, assembled under the command of the Earl of Douglas; and, confident in their strength and eager for revenge, pushed on, without meeting an enemy, to the gates of Newcastle. But although Henry was himself personally engaged in his Welsh war, he had left the veteran Earl of Northumberland, and his son Hotspur, in charge of the Borders; and the Scottish Earl of

[1] Fordun a Goodal, vol. ii. p. 433.
[2] Hume's Douglas and Angus, vol. i. p. 218.

March, who had renounced his fealty to his sovereign, and become the subject of England, joined the Percies, with his son, Gawin of Dunbar.

Douglas, it may be remembered, had risen upon the ruins of March, and possessed his castle and estates; so that the renegade earl brought with him, not only an experience in Scottish war and an intimate knowledge of the Border country, but that bitter spirit of enmity which made him a formidable enemy. It was probably by his advice that the Scots were allowed to advance without opposition through the heart of Northumberland; for the greater distance they were from home, and the longer time allowed to the English to collect their force, it was evidently the more easy to cut off their retreat, and to fight them at an advantage.

The result shewed the correctness of this opinion. The Scottish army, loaded with plunder, confident in their own strength, and secure in the apparent panic of the enemy, retreated slowly and carelessly, and had encamped near Wooler, when they were met by the intelligence that Hotspur, with a strong army, had occupied the pass in their front, and was advancing to attack them. Douglas immediately drew up his force in a deep square upon a neighbouring eminence, called Homildon Hill—an excellent position, had his sole object been to repel the attacks of the English cavalry and men-at arms, but in other respects the worst that could have been chosen, for the bulk of Percy's force consisted of archers; and there were many eminences round Homildon by which it was completely commanded, the distance being within arrow-flight. Had the Scottish knights and squires, and the rest of their light-armed cavalry, who must have composed a body of at least a thousand men, taken possession of the rising ground in advance, they might have charged the English archers before they came within bowshot, and the subsequent battle would have been reduced to a close-hand encounter, in which the Scots, from the strong ground which they occupied, must have fought to great advantage; but from the mode in which it was occupied by Douglas, who crowded his whole army into one dense column, the position became the most fatal that could have been selected.

The English army now rapidly advanced, and on coming in sight of the Scots, at once occupied the opposite eminence, which, to their surprise, they were permitted to do without a single Scottish knight or horseman leaving their ranks; but at this crisis the characteristic impetuosity of Hotspur, who, at the head of the men-at-arms, proposed instantly to charge the Scots, had nearly thrown away the advantage. March, however, instantly seized his horse's reins and stopt him. His eye had detected, at the first glance, the danger of Douglas's position; he knew from experience the strength of the long-bow of England; and, by his orders, the precedence was given to the archers, who, slowly advancing down the hill, poured their volleys as thick as hail upon the Scots, whilst, to use the words of an ancient manuscript chronicle, they were so closely wedged together, that a breath of air could scarcely penetrate their files, making it impossible for them to wield their weapons. The effects of this were dreadful, for the cloth-yard shafts of England pierced with ease the light armour of the Scots, few of whom were defended by more than a steel-cap and a thin jack or breast-plate, whilst many wore nothing more than the leather acton or quilted coat, which afforded a feeble defence against such deadly missiles. Even the better-tempered armour of the knights was found utterly unequal to resistance, when, owing to the gradual advance of their phalanx, the archers took a nearer and more level aim, whilst the Scottish bowmen drew a wavering and uncertain bow, and did little execution.[1] Numbers of the bravest barons and gentlemen were mortally wounded, and fell down on the spot where they

[1] Walsingham, p. 366. Otterburn, p. 237. Fordun and Winton do not even mention the Scottish archers.

were first drawn up, without the possibility of reaching the enemy; the horses, goaded and maddened by the increasing showers of arrows, reared and plunged, and became altogether unmanageable; whilst the dense masses of the spearmen and naked Galwegians presented the appearance of a huge hedgehog, (I use the expression of a contemporary historian,) bristled over with a thousand shafts, whose feathers were red with blood. This state of things could not long continue. "My friends," exclaimed Sir John Swinton, "why stand we here to be slain like deer, and marked down by the enemy? Where is our wonted courage? Are we to be still, and have our hands nailed to our lances? Follow me, and let us at least sell our lives as dearly as we can."[1]

Saying this, he couched his spear, and prepared to gallop down the hill; but his career was for a moment interrupted by a singular event. Sir Adam de Gordon, with whom Swinton had long been at deadly feud, threw himself from his horse, and kneeling at his feet, begged his forgiveness, and the honour of being knighted by so brave a leader. Swinton instantly consented; and, after giving him the accolade, tenderly embraced him. The two warriors then remounted, and at the head of their followers, forming a body of a hundred horse, made a desperate attack upon the English, which, had it been followed by a simultaneous charge of the great body of the Scots, might still have retrieved the fortune of the day. But such was now the confusion of the Scottish lines, that Swinton and Gordon were slain, and their men struck down or dispersed before the Earl of Douglas could advance to support them; and when he did so, the English archers, keeping their ranks, fell back upon the cavalry, pouring in volley after volley, as they slowly retreated, and completing the discomfiture of the Scots by an appalling carnage. If we may believe Walsingham, the armour worn by the Earl of Douglas on this fatal day was of the most exquisite workmanship and temper, and cost the artisan who made it three years' labour; yet he was wounded in five places, and made prisoner along with Lord Murdoch Stewart, and the Earls of Moray and Angus. In a short time the Scottish army was utterly routed; and the archers, to whom the whole honour of the day belonged, rushing in with their knives and short swords, made prisoners of almost every person of rank or station.

The number of the slain, however, was very great; and multitudes of the fugitives—it is said nearly fifteen hundred—were drowned in an attempt to ford the Tweed. Amongst those who fell, besides Swinton and Gordon, were Sir John Levingston of Callander, Sir Alexander Ramsay of Dalhousie, Sir Roger Gordon, Sir Walter Scott, and Sir Walter Sinclair, with many other knights and esquires, whose followers mostly perished with their masters. Besides the leaders, Douglas and Lord Murdoch, eighty knights were taken prisoners, and a crowd of esquires and pages, whose names and numbers are not ascertained. Among the first were three French knights, Sir Piers de Essars, Sir James de Helsey, and Sir John Darni;[2] Sir Robert Erskine of Alva, Lord Montgomery, Sir James Douglas, master of Dalkeith, Sir William Abernethy of Salton, Sir John Stewart of Lorn, Sir John Seton, Sir George Lesley of Rothes, Sir Adam Forester of Corstorphine, Sir Walter Bickerton of Luffness, Sir Robert Stewart of Durisdeer, Sir William Sinclair of Hermandston, Sir Alexander Home of Dunglas, Sir Patrick Dunbar of Bele, Sir Robert Logan of Restalrig, Sir Lawrence Ramsay, Sir Helias Kinmont, Sir John Ker, and Fergus Macdowall of Galloway, with many others whose names have not been ascertained.[3]

The fatal result of this day completely proved the dreadful power of the English bowmen; for there is not a doubt that the battle was gained by

[1] Fordun a Goodal, vol. ii. p. 434. Winton, vol. ii. p. 401.

[2] Walsingham, pp. 407. 408. Otterburn, pp. 236–8.

[3] Fordun a Goodal, vol. ii. pp. 434. 435

the archers. Walsingham even goes so far as to say that neither earl, knight, nor squire ever handled their weapons, or came into action, but remained idle spectators of the total destruction of the Scottish host; nor does there seem any good reason to question the correctness of this fact, although, after the Scots were broken, the English knights and horsemen joined in the pursuit. It was in every way a most decisive and bloody defeat, occasioned by the military incapacity of Douglas, whose pride was probably too great to take advice, and his judgment and experience in war too confined to render it unnecessary. Hotspur might now rejoice that the shame of Otterburn was effectually effaced; and March, if he could be so base as to enjoy the triumph, must have been amply satiated with revenge: for his rival, Douglas, was defeated, cruelly wounded, and a captive.[1]

The battle was fought on the day of the Exaltation of the Holy Cross, being the 14th September, in the year 1402; and the moment that the news of the defeat was carried to Westminster, the King of England directed his letters to the Earl of Northumberland, with his son Henry Percy, and also to the Earl of March, commanding them, for certain urgent causes, not to admit to ransom any of their Scottish prisoners, of whatever rank or station, or to suffer them to be at liberty under any parole or pretext, until they should receive further instructions upon the subject. To this order, which was highly displeasing to the pride of the Percies, as it went to deprive them of an acknowledged feudal right which belonged to the simplest esquire, the monarch subjoined his pious thanks to God for so signal a victory, and to his faithful barons for their bravery and success; but he commanded them to notify his orders regarding the prisoners to all who had fought at Homildon, concluding with an assurance that he had no intention of ultimately depriving any of his liege subjects of their undoubted rights in the persons and property of their prisoners; a declaration which would not be readily believed.[2] If Henry thus defeated the objects which the victory might have secured him by his precipitancy and imprudence, Hotspur stained it by an act of cruelty and injustice. Teviotdale, it may perhaps be remembered, after having remained in the partial possession of the English for a long period, under Edward the Third, had at last been entirely wrested from them by the bravery of the Douglases; and as the Percies had obtained large grants of land in this district, upon which many fierce contests had taken place, their final expulsion from the country they called their own was peculiarly irritating. It happened that amongst the prisoners was Sir William Stewart of Forrest, a knight of Teviotdale, who was a boy at the time the district "was Anglicised," and, like many others, had been compelled to embrace a virtual allegiance to England, by a necessity which he had neither the power nor the understanding to resist. On the miserable pretence that he had forfeited his allegiance, Hotspur accused him of treason, and had him tried by a jury; but the case was so palpably absurd and tyrannical, that he was acquitted. Percy, in great wrath, impannelled a second jury, and a second verdict of acquittal shewed their sense and firmness; but the fierce obstinacy of feudal revenge was not to be so baffled, and these were not the days when the laws could check its violence. A third jury was summoned, packed, and overawed, and their sentence condemned Sir William Stewart to the cruel and complicated death of a traitor. It was instantly executed; and his quarters, with those of his squire, Thomas Ker, who suffered along with him, were placed on the gates of York; the same gates upon which, within a year, were exposed the mangled remains of Percy himself.[3] The avidity with which Hotspur seems to have thirsted

[1] Fordun a Goodal, vol. ii. pp. 434, 435. Rymer, Fœdera, vol. ix. p. 26. Walsingham, p. 366. Extracta ex Chronicis Scotiæ, MS. p. 250.

[2] Rymer, Fœdera, vol. viii. p. 278.

[3] Winton, vol. ii. p. 403.

for the blood of this unhappy youth is only to be accounted for on the supposition of some deadly feud between the families; for on no other occasion did this celebrated soldier shew himself naturally cruel, or unnecessarily severe.[1]

The events which followed the defeat of the Scots at Homildon are of an interesting nature, and merit particular attention. Not long after the victory, the Percies began to organise that celebrated conspiracy against Henry the Fourth, the monarch whom their own hands had placed on the throne, which ended in the battle of Shrewsbury, and the defeat and death of Hotspur; but as the plot was yet in its infancy, an immediate invasion of Scotland was made the pretext for assembling an army, and disarming suspicion; whilst Percy, in conjunction with the Earl of March, talked boldly of reducing the whole of the country as far as the Scottish sea.[2] It is probable, indeed, that previous to this the defeat at Homildon had been followed by the temporary occupation of the immense Border estates of the Earl of Douglas by the Earl of Northumberland; as, in a grant of the earldom of Douglas, which was about this time made to Northumberland by the King of England, the districts of Eskdale, and Liddesdale, with the forest of Ettrick and the lordship of Selkirk, are noticed as being in the hands of the Percies; but so numerous were the vicissitudes of war in these Border districts, that it is difficult to ascertain who possessed them with precision;[3] and it is certain that the recovery of the country by the Scots was almost simultaneous with its occupation. In the meantime, the combined army of March and the Percies took its progress towards Scotland; and commenced the siege of the tower of Cocklaws, commanded by John Greenlaw, a simple esquire,[4] and situated on the Borders. The spectacle of a powerful army, commanded by the best soldier in England, proceeding to besiege a paltry march-tower, might have been sufficient to convince Henry that the real object of the Percies was not the invasion of Scotland; and their subsequent proceedings must have confirmed this opinion. Assaulted by the archers, and battered by the trebuchets and mangonels, the little tower of Cocklaws not only held its ground, but its master, assuming the air of the governor of a fortress, entered into a treaty with Hotspur, by which he promised to surrender at the end of six weeks, if not relieved by the King of Scotland, or Albany the governor.[5] A messenger was despatched to Scotland with the avowed purpose of communicating this agreement to Albany, but whose real design was evidently to induce him to become a party to the conspiracy against Henry, and to support the Percies, by an immediate invasion of England. Nor was the mission unsuccessful; for Albany, anxious to avenge the loss sustained at Homildon, and irritated by the captivity of his eldest son, at once consented to the proposal, and assembled a numerous army, with which he prepared to enter England in person.[6] In the meantime, the Earl of Douglas, Sir Robert Stewart of Durisdeer, and the greater part of the barons and men-at-arms, who were made prisoners at Homildon, eagerly entered into the conspiracy, and joined the insurgents with a large force; but the Earl of March continued faithful to the King of England, actuated more, perhaps, by his mortal enmity to the Douglases, than by any great affection for Henry. Another alarming branch of the rebellion was in Wales, where Owen Glendower had raised an army of ten thousand men; and besides this, many of the English barons had entered into a correspondence with Percy, and bound themselves to join him with their power, although tures for the delivery of *Ormiston* Castle on the 1st of August, if not delivered by battle. Pinkerton's History, vol. i. p. 77.

[1] Fordun a Hearne, pp. 1150, 1151.

[2] The Firth of Forth usually went by this name.

[3] Rotuli Scotiæ, vol. ii. p. 163.

[4] Ibid. vol. ii. p. 172. It appears by a MS. letter of the Earl of Northumberland, that on the 30th May he and his son had inden-

[5] Fordun a Goodal, vol. ii. pp. 435, 436.

[6] Ibid. vol. ii. p. 436.

at the last most deserted him, and thus escaped his ruin.

All things being thus prepared, Henry Percy and the Earl of Douglas at once broke off the prosecution of their Scottish expedition; and, having joined the Earl of Worcester, began their march towards Wales, giving out at first that it was their design to assist the king in putting down the rebel Glendower. Henry, however, was no longer to be deceived; and the representations of the Earl of March convinced him of the complicated dangers with which he was surrounded. It was his design to have delayed proceeding against the insurgents, until he had assembled such an overwhelming force as he thought gave a certainty of victory; but the Scottish earl vehemently opposed all procrastination, maintaining the extreme importance of giving battle to Percy before he had formed a junction with Glendower; and the king, following his advice, pushed on by forced marches, and entered Shrewsbury at the moment that the advance of Percy and Douglas could be seen marching forward to occupy the same city. On being anticipated by their opponent, they retired, and encamped at Hartfield, within a mile of the town. Henry immediately drew out his army by the east gate; and after a vain attempt at treaty, which was broken off by Percy's uncle, the Earl of Worcester, the banners advanced, cries of St George and Esperance, the mutual defiances of the king and Percy, rent the air; and the archers on both sides made a pitiful slaughter, even with the first discharge. As it continued, the ranks soon became encumbered with the dead, "who lay as thick," says Walsingham, "as leaves in autumn;" and the knights and men-at-arms getting impatient, Percy's advance, which was led by Douglas, and consisted principally of Scottish auxiliaries, made a desperate charge upon the king's party, and had almost broken their array, when it was restored by the extreme gallantry of Henry, and his son the Prince of Wales, afterwards Henry the Fifth. After this, the battle continued for three hours to be obstinately contested, English fighting against English, and Scots against Scots, with the utmost cruelty and determination. It could not indeed be otherwise. The two armies were fourteen thousand strong on each side, and included the flower not only of the English chivalry, but of the English yeomen. Hotspur and Douglas were reckoned two of the bravest knights then living, and if defeated, could hope for no mercy; whilst Henry felt that, on his part, the battle must decide whether he was to continue a king, or to have the diadem torn from his brow, and be branded as a usurper. At one time he was in imminent danger; for Hotspur and Douglas, during the heat of the battle, coming opposite to the royal standard, made a desperate attempt to become masters of the person of the king; and had so nearly succeeded, that the Scottish earl slew Sir Walter Blunt, the standard-bearer, struck down the Earl of Stafford, and had penetrated within a few yards of the spot where Henry stood, when the Earl of March rushed forward to his assistance, and prevailed on him not to hazard himself so far in advance. On another occasion, when unhorsed, he was rescued by the Prince of Wales, who this day gave promise of his future military genius; but with all his efforts, seconded by the most determined courage in his soldiers, the obstinate endurance of the Scots, and the unwearied gallantry and military skill of Hotspur were gradually gaining ground, when this brave leader, as he raised his visor for a moment to get air, was pierced through the brain by an arrow, and fell down dead on the spot. His fall, which was seen by both sides, seems to have at once turned the fortune of the day. The rebels were broken and dispersed, the Scots almost entirely cut to pieces, Sir Robert Steward slain, and the Earl of Douglas once more a captive, and severely wounded.[1]

In the meantime, whilst the rebellion of the Percies was thus successfully put down, Albany, the governor,

[1] Walsingham, pp. 368, 369.

assembled the whole strength of the kingdom; and, at the head of an army of fifty thousand men, advanced into England. His real object, as discovered by his subsequent conduct, was to second the insurrection of Hotspur; but, ignorant as yet that the rebellion had openly burst forth, he concealed his intention, and gave out to his soldiers that it was his intention to give battle to the Percies, and to raise the siege of Cocklaws.[1] On arriving before this little Border strength, instead of finding Hotspur, he was met by the news of his entire defeat and death in the battle of Shrewsbury; and, after ordering a herald to proclaim this to the army, he at once quietly retired into Scotland. Discouraged by the inactivity of the Welsh, by the death of Percy, the captivity of Douglas, and the submission of the Earl of Northumberland, Albany judiciously determined that this was not the most favourable crisis to attack the usurper, and for the present resumed a pacific line of policy. In their account of the rebellion of the Percies, and the expedition of Albany, our ancient Scottish historians exhibit a singular instance of credulity in describing the investing of the Border fortalice by Hotspur, and the subsequent progress of Albany to raise the siege, as really and honestly engaged in by both parties; and it is difficult not to smile at the importance which the tower of Cocklaws and its governor assume in their narrative.

If Albany's government seemed destined to be inglorious in war, his civil administration was weak and vacillating, disgraced by the impunity, if not by the encouragement, of feudal tyranny and unlicensed oppression. Of this a striking instance occurred a little prior to the rebellion of the Percies. Sir Malcolm Drummond, brother to the late Queen of Scotland, had married Isabella, countess of Mar in her own right, whose estates were amongst the richest in Scotland. When resident in his own castle, this baron was attacked by a band of armed ruffians, overpowered, and cast into a dungeon, where the barbarous treatment he experienced ended in his speedy death. The suspicion of this lawless act rested on Alexander Stewart, a natural son of the Earl of Buchan, brother to the king, who emulated the ferocity of his father, and became notorious for his wild and unlicensed life. This chief, soon after the death of Drummond, appeared before the strong castle of Kildrummie, the residence of the widowed countess, with an army of *ketherans*, stormed it in the face of every resistance, and, whether by persuasion or by violence is not certain, obtained her in marriage. To murder the husband, to marry the widow, and carry off the inheritance from her children, were deeds which, even under the misgovernment of Albany, excited the horror of the people, and called loudly for redress; but before this could be obtained, an extraordinary scene was acted at Kildrummie. Stewart presented himself at the outer gate of the castle, and there, in presence of the Bishop of Ross and the assembled tenantry and vassals, was met by the Countess of Mar, upon which, with much feudal pomp and solemnity, he surrendered the keys of the castle into her hands, declaring that he did so freely and with a good heart, to be disposed of as she pleased. The lady then, who seems to have forgotten the rugged nature of the courtship, holding the keys in her hands, declared that she freely chose Alexander Stewart for her lord and husband, and that she conferred on him the earldom of Mar, the castle of Kildrummie, and all other lands which she inherited. The whole proceedings were closed by solemn instruments or charters being taken on the spot; and this remarkable transaction, exhibiting in its commencement and termination so singular a mixture of the ferocity of feudal manners and the formality of feudal law, was legalised and confirmed by a charter of the king, which ratified the concession of the countess, and permitted Stewart to assume the titles of Earl of Mar, and Lord of Garvy-

[1] Fordun a Hearne, pp 1158–1160.

ach.[1] Yet he who was murdered, to make way for this extraordinary intrusion of the son of Buchan, was the king's brother-in-law; and there seems to have been little doubt that the successful wooer and the assassin of Drummond were one and the same person. Nothing could give us a more striking proof of the pusillanimity of the sovereign, the weakness of the law, and the gross partialities of Albany.

The unquiet and suspicious times of Henry the Fourth, whose reign was marked by an almost uninterrupted succession of conspiracies, rendered it an object of great moment with him to keep at peace with Scotland; and it was evidently the interest of that kingdom to cultivate an amicable relation with England. Its present danger consisted not so much in any fears of invasion, or any serious attempts at conquest, as in the dread of civil commotion and domestic tyranny under the partial administration of Albany. The murder of the Duke of Rothesay, and the impunity permitted to the worst crimes committed by the nobles, clearly proved that the governor would feel no scruples in removing any further impediment which stood in the way of his ambition; and that he looked for indulgence from the favour with which he treated similar crimes and excesses in the barons who composed his court, and with whom he was ready to share the spoils or the honours which he had wrested from their legitimate possessors.

Under a government like this, the king became a mere shadow. Impelled by his natural disposition, which was pacific and contemplative, he had at first courted retirement, and willingly resigned much of the management of the state to his brother; and now that the murder of Rothesay had roused his paternal anxieties, that the murmurs of the people loudly accused this brother of so dreadful a crime, and branded him as the abettor of all the disorders which distracted the country, he felt, yet dreaded, the necessity of interference; and, while he trembled for the safety of his only remaining son, he found himself unequal to the task of instituting proper measures for his security, or of reassuming, in the midst of age and infirmities, those toils of government, to which, even in his younger years, he had experienced an aversion. But although the unfortunate monarch, thus surrounded with difficulties, found little help in his own energy or resources, friends were still left who pitied his condition, and felt a just indignation at the successful tyranny of the governor. Of these, the principal was Henry Wardlaw, bishop of St Andrews, a loyal and generous prelate, nephew to the Cardinal Wardlaw, and, like him, distinguished for his eminence as a scholar and his devotion to literature. To his charge was committed the heir of the throne, James, earl of Carrick, then a boy in his fourteenth year, who was educated in the castle of St Andrews, under the immediate eye of the prelate, in the learning and accomplishments befitting his high rank and already promising abilities.

In the meantime, the captivity of so many of the nobles and gentry, who had been recently taken at Nesbit Moor, and in the battles of Homildon Hill and Shrewsbury, had a manifest effect in quieting Scotland, encouraging its pacific relations, and increasing its commercial enterprise. The years which succeeded these fatal conflicts were occupied with numerous expeditions of the Scottish captives, who, under the safe-conducts of Henry, travelled into their own country, and returned either with money, or with cargoes of wool, fish, or live stock, with which they discharged their ransom and procured their liberty.[2] The negotiations, also, concerning the ransom of Murdoch, the son of Albany, the Earl of Douglas, and other eminen prisoners, promoted a constant inter course; whilst the poverty of Scotland, in its agricultural produce, is seen in the circumstance that any English

[1] Sutherland Case, by Lord Hailes, chap. v. p. 43. Winton, vol. ii. p. 404.

[2] Rotuli Scotiæ, vol. ii. pp. 164, 166, 167, 172, 173, 177.

captives are generally redeemed in grain, and not in money. Some Norfolk fishermen, who had probably been pursuing their occupation upon the Scottish coast, having been captured and imprisoned, Henry permitted two mariners of Lynne to carry six hundred quarters of grain into Scotland for their redemption; and at the same time granted a licence to an Irish merchant to import corn, flour, and other victuals and merchandise into that country, during the continuance of the truce.[1] Upon the whole, the commercial intercourse between the two countries appears to have been prosecuted with great activity, although interrupted at sea by the lawless attacks of the English cruisers,[2] and checked by the depredations of the Borderers and broken men of both nations.

One cause, however, for jealousy and dissatisfaction upon the part of Henry still remained, in the perpetual reports which proceeded from Scotland, with regard to Richard the Second being still alive in that country, where, it was said, he continued to be treated with kindness and distinction. That these assertions as to the reappearance of the dethroned monarch long after his reputed death had some foundation in truth, there seems reason to believe;[3] but, whether true or not, it was no unwise policy in Albany to abstain from giving any public contradiction to the rumour, and at times even to encourage it, as in this manner he essentially weakened the government of Henry; and, by affording him full employment at home, rendered it difficult for him to engage in any schemes for the annoyance of his neighbours.

In 1404, a gentleman named Serle, who had formerly been of Richard's bed-chamber, repaired secretly to Scotland, and on his return positively affirmed that he had seen the king. The old Countess of Oxford, mother to Robert de Vere, duke of Ireland, the favourite of Richard, eagerly gave credit to the story; and, by the production of letters, and the present of little silver harts, the gifts which the late king had been fond of distributing amongst his favourites, she had already contrived to persuade many persons to credit the report, when her practices were discovered, and the execution and confession of Serle put an end to the rumour for the present. It was asserted that Serle had actually been introduced, when in Scotland, to a person whom he declared to bear so exact a resemblance to Richard the Second that it was not astonishing many should be deceived by it; and it was evident that if Albany had not lent himself in any open manner to encourage, he had not, on the other hand, adopted any means to expose or detect the alleged impostor.[4]

But this plot of Serle and the Countess of Oxford was followed by a conspiracy of greater moment, in which Scotland was deeply concerned, yet whose ramifications, owing to the extreme care with which all written evidence, in such circumstances, was generally concealed or destroyed, were extremely difficult to be detected. Its principal authors appear to have been the Earl of Northumberland, the father of Hotspur, Scrope, the archbishop of York, whose brother Henry had beheaded, and the Earl Marshal of England, with the Lords Hastings, Bardolf, and Faulconbridge; but it is certain that they received the cordial concurrence of some party in the Scottish state, as Northumberland engaged to meet them at the general rendezvous at York, not only with his own followers, but with a large reinforcement of Scottish soldiers, and it was calculated that they would be able to take the field with an army of twenty thousand men.[5] Besides this, they had engaged in a correspondence with the French king, who promised to

[1] Rotuli Scotiæ, vol. ii. p. 172.

[2] Fœdera, vol. viii. pp. 411, 420, 450; and MS. Bibl. Cot. F. vii. No. 22, 89, 116-118, quoted in M'Pherson's Annals of Commerce, vol. i. p. 615.

[3] See Historical Remarks on the Death of Richard the Second, infra.

[4] Walsingham, p. 371.

[5] Hall's Chronicle, p. 35. Edition 1809, London, 4to. Hardyng's Chronicle, p. 362. Edition 1812. London, 4to.

despatch an expedition, which, at the moment they took up arms in England, was to make a descent on Wales, where Owen Glendower, the fierce and indefatigable opponent of Henry, had promised to join them; and this formidable opposition was to be further strengthened by a simultaneous invasion of the Scots.

Northumberland's intentions in this conspiracy are very clearly declared in an intercepted letter which he addressed to the Duke of Orleans, and which is preserved in the Parliamentary Rolls. "I have embraced," says he, "a firm purpose, with the assistance of God, with your aid, and that of my allies, to sustain the just quarrel of my sovereign lord King Richard, if he is alive; and if he is dead, to avenge his death; and, moreover, to sustain the right and quarrel which my redoubted lady the Queen of England, your niece, may have to the kingdom of England; for which purpose I have declared war against Henry of Lancaster, at present Regent of England."[1]

A rebellion so ably planned that it seemed almost impossible that it should not succeed and hurl Henry from the throne, was ruined by the credulity of the Earl Marshal and the Archbishop, who became the victims of an adherent of the king's, Neville, Earl of Westmoreland. This nobleman, who had received intelligence of the plot, artfully represented himself as warmly interested in its success; and having prevailed upon Scrope and Mowbray to meet him in a private conference, seized them both as they sat at his table and hurried them to the king at Pontefract, by whose orders they were instantly beheaded. Northumberland, however, with his little grandson, Henry Percy, and the Lord Bardolf, had the good fortune to escape into Scotland, where they were courteously received by Albany.

In this country, notwithstanding his advanced age and frequent failures, Percy continued to organise an opposition to the government of Henry; visiting for this purpose the court of France and the Flemish States, and returning to stimulate the exertions of his Scottish friends. Although unsuccessful in his continental negotiations, it is evident from the orders issued by Henry for the immediate array of the fighting men in the counties of York and Lancaster, as well as in Derby, Lincoln, and Nottingham, that Albany had been induced to assemble an army, and that the king had received intelligence of an intended invasion by the Scots, to be led, as the king expresses it, "by his common adversary, Robert, duke of Albany, the pretended governor of Scotland."[2] Previous, however, to any such expedition, an event took place which effectually altered the relations between the governor and the English monarch, and introduced material changes into the state of the different parties in Scotland.

The continuance of his own power, and the adoption of every means by which the authority of the king, or the respect and affection due to the royal family, could be weakened or destroyed, was the principle of Albany's government: a principle which, although sometimes artfully concealed, was never for a moment forgotten by this crafty statesman. In his designs he had been all along supported by the Douglases; a family whom he attached to his interest by an ample share in the spoils with which his lawless government enabled him to gratify his creatures. Archibald, earl of Douglas, the head of the house, we have seen become his partner in the murder of the Duke of Rothesay, and rewarded by the possession of the immense estates of the Earl of March,—a baron next to Douglas,—the most powerful of the Scottish aristocracy, but compelled by the affront put upon his daughter to become a fugitive in England, and a dependant upon the bounty of a foreign prince.

The battle of Homildon Hill made Douglas a captive; whilst many of his most powerful adherents shared his fate: and Albany, deprived of the

olls of Parliament, vol. iii. p. 605. The al is in French.

[2] Rymer, Fœdera, vol. viii. p. 414.

countenance of his steadiest supporters, found the friends of the old king gradually gaining ground. A natural jealousy of the designs of the governor against a youth who formed the only impediment between his own family and the succession to the crown, induced these persons to adopt measures for the security of the Earl of Carrick, now an only son. It was with this view that they had placed him under the charge of the Bishop of St Andrews, a man of uncorrupted honour and integrity; and, whilst the studies of the young prince were carefully conducted by this prelate, whose devotion to literature well fitted him for the task, the presence of the warlike Earl of Northumberland, who with his grandson, young Henry Percy, had found an asylum in the castle of the bishop, was of great service to the young prince in his chivalrous exercises. It was soon seen, however, that, with all these advantages, Scotland was then no fit place for the residence of the youthful heir to the throne. The intrigues of Albany, and the unsettled state of the country, filled the bosom of the timid monarch with constant alarm. He became anxious to remove him for a season from Scotland; and, as France was at this time considered the best school in Europe for the education of a youth of his high rank, it was resolved to send the prince thither, under the care of the Earl of Orkney,[1] and Sir David Fleming of Cumbernauld, an intimate friend and adherent of the exiled Earl of Northumberland.

At this crisis a secret negotiation took place between the English monarch and the Duke of Albany regarding the delivery of Northumberland and Lord Bardolf; and it appears that the party of the governor and the Douglases had embraced the treacherous plan of sacrificing the lives of two unfortunate exiles who had found an asylum in Scotland, to procure in return the liberty of Murdoch, the son of the governor, the Earl of Douglas, and other captives who had been taken at Homildon. A baser project could not well be imagined; but it was accidentally discovered by Percy's friend, David Fleming, who instantly revealed it to the exiled noblemen, and advised them to consult their safety by flight.

This conduct of Albany, which afforded a new light into the treachery of his character, accelerated the preparations for the young prince's departure; and all being at length ready, the Earl of Carrick, then a boy in his fourteenth year, took his progress through Lothian to North Berwick, accompanied by the Earl of Orkney, Fleming of Cumbernauld, the Lords of Dirleton and Hermandston, and a strong party of the barons of Lothian. The ship which was to convey him to France lay at the Bass; and having embarked along with the Earl of Orkney and a small personal suite, they set sail with a fair wind, and under no apprehension for their safety, as the truce between England and Scotland was not yet expired, and the only vessels they were likely to meet were English cruisers. But the result shewed how little was to be trusted to the faith of truces or to the honour of kings; for the prince had not been a few days at sea when he was captured off Flamborough Head by an armed merchantman belonging to the port of Wye, and carried to London, where the king instantly committed him and his attendants to the Tower.[2]

In vain did the guardians of the young prince remonstrate against this cruelty, or present to Henry a letter from the king his father, which, with much simplicity, recommended him to the kindness of the English monarch, should he find it necessary to land in his dominions. In vain did they represent that the mission to France was perfectly pacific, and its only object the education of the prince at the French court. Henry merely answered by a poor witticism, declaring that he himself knew the French language indifferently well, and that his father could not have sent him to a better master.[3] So flagrant a breach

[1] Rymer, Fœdera, vol. viii. p. 415.

[2] Walsingham, p. 375. Winton, vol. ii. pp. 415, 416.

[3] Walsingham, p. 375. Extracta ex Chronicis Scotiæ, p. 253.

of the law of nations as the seizure and imprisonment of the heir-apparent during the time of truce, would have called for the most violent remonstrances from any government except that of Albany. But to this usurper of the supreme power, the capture of the prince was the most grateful event which could have happened; and to detain him in captivity became, from this moment, one of the principal objects of his future life; we are not to wonder, then, that the conduct of Henry not only drew forth no indignation from the governor, but was not even followed by any request that the prince should be restored to liberty.

Whilst Albany's satisfaction was great at this unfortunate event, his indignation, and that of the Douglases, at the conduct of Sir David Fleming, in attempting to convey the heir-apparent to a place of safety, and in facilitating the escape of Northumberland, was proportionably fierce and unforgiving; nor was it quenched until they had taken a bloody revenge. At the moor of Lang-Hermandston, the party which had accompanied the prince to North Berwick were attacked by James Douglas of Abercorn, second son of the Earl of Douglas, and Alexander Seton, where, after a fierce conflict, Fleming was slain, and the most of the barons who accompanied him made prisoners. A procession which passed next day through Edinburgh, conveying to Holyrood the body of this noble knight, who was celebrated for his courage, tenderness, and fidelity, excited much commiseration; but the populace did not dare to rise against the Douglases, and Albany openly protected them. Those bitter feelings of wrath and desires of revenge, which so cruel an attack excited, now broke out into interminable feuds and jealousies, and, ramifying throughout the whole line of the vassals of these two powerful families, continued for many years to agitate the minds of the people, and disturb the tranquillity of the country.[1]

The aged king, already worn out by infirmity, and now broken by disappointment and sorrow, did not long survive the captivity of his son. It is said the melancholy news was brought him as he was sitting down to supper in his palace of Rothesay in Bute; and that the effect was such upon his affectionate but feeble spirit, that he drooped from that day forward, refused all sustenance, and died soon after of a broken heart. His death took place on the 4th of April 1406, in the sixteenth year of his reign; and Albany, his brother, immediately succeeded to the prize which had so long been the paramount object of his ambition, by becoming the unfettered governor of Scotland. The character of this monarch requires little additional development. It was of that sweet, pacific, and indolent nature, which unfitted him to subdue the pride, or overawe and control the fierce passions and resentments of his barons; and although the generosity and affectionate feelings of his heart inclined him on every occasion to be the friend of the poorer classes of his subjects, yet energy and courage were wanting to make these good wishes effectual; and it might almost be said, that in the dread of making any one his enemy, he made no one his friend. All the virtues of domestic life he possessed in a high degree; but these, as well as his devotion to intellectual accomplishments, were thrown away upon the rude times in which he lived. His wisdom, which was far before his age, saw clearly that the greatest blessing which could be conferred upon the country was peace; but it required firmness, and almost violence, to carry these convictions into the active management of the government, and these were qualities which Robert could not command. Had he been born in the rank of a subject, he would have been among the best and wisest men in his dominions; but as a king, his timidity and irresolution rendered all his virtues of none avail, and permitted the government to fall into the hands of a usurper, who systematically abused his power for the purposes of his own aggrandisement.

[1] Winton, vol. ii. p. 413. Fordun a Goodal, vol ii. p 439. Extracta ex Chronicis Scotiæ, p. 153.

In person, Robert was tall, and of a princely presence; his countenance was somewhat florid, but pleasing and animated; whilst a beard of great length, and silvery whiteness, flowed down his breast, and gave a look of sanctity to his appearance. Humility, a deep conviction of the vanity of human grandeur, and aspirations for the happiness of a better world, were sentiments which he is said to have deeply felt, and frequently expressed; and nothing could prevail on him, in the custom of the age, and after the example of his father and grandfather, to provide a monument for himself. It is said that his queen, Annabella, remonstrated with him on this occasion, when he rebuked her for speaking like one of the foolish women. "You consider not," said he, "how little it becomes a wretched worm, and the vilest of sinners, to erect a proud tomb for his miserable remains: let them who delight in the honours of this world so employ themselves. As for me, cheerfully would I be buried in the meanest shed on earth, could I thus secure rest to my soul in the day of the Lord."[1] He was interred, however, in the Abbey church of Paisley, before the high altar.

It has hitherto been believed by our Scottish historians, that there were born to him only two sons, David, duke of Rothesay, and James, earl of Carrick, who succeeded him in the throne. It is certain, however, that the king had a third son, Robert, who probably died very young, but whose existence is proved by a record of unquestionable authority.[2]

Upon the king's death, the three estates of the realm assembled in parliament at Perth; and, having first made a solemn declaration that James, earl of Carrick, then a captive in England, was their lawful king, and that the crown belonged of undoubted right to the heirs of his body, the Duke of Albany, being the next in succession, was chosen Regent;[3] and it was determined to send an embassy to the French court, for the purpose of renewing the league of mutual defence and alliance which had so long subsisted between the two countries. For this purpose, Sir Walter Stewart of Ralston, Lawder, archdeacon of Lothian, along with two esquires, John Gil and John de Leth, were selected to negotiate with France; and their mission, as was to be expected from the exasperated feelings which were common to both countries with regard to their adversary of England, was completely successful. Charles the Sixth, king of France, Louis his brother, duke of Anjou, and the Duke of Berry, by three separate deeds, each acting in his own name, ratified and confirmed the treaties formerly entered into between their country and the late King of Scotland; and assured the Duke of Albany, then regent of that kingdom, of their resolution to maintain the same firm and inviolate in all time to come.[4]

With regard to England, Albany now earnestly desired the continuance of peace; and it was fortunate that the principles which influenced his government, although selfish, and calculated for the preservation of his own power, proved at this moment the best for the interests of the country; whilst the English king, in the possession of the young heir to the throne, and master, also, of the persons of the chief nobility who had remained in captivity since the battle of Homildon Hill, was able to assume a decided tone in his negotiations, and exerted an influence over the governor which he had not formerly enjoyed. A short time previous to the king's death, negotiations had been renewed for the continuance of the truce, and for the return of the Earl of Douglas to Scotland. The high value placed upon this potent baron, and the power of weakening Scotland which the English king possessed at this time, may

[1] Fordun a Goodal, vol. ii. p. 440.

[2] Chamberlain Accounts, vol. ii. p. 231. "Et Dno David Comiti de Carrick percipienti pro se et heredibus suis de corpore suo legitime procreandis, quibus forte deficientibus, Roberto seneschallo fratri ipsius, et heredibus suis."

[3] Winton, vol. ii. p. 418.

[4] Records of the Parliament of Scotland, pp. 137, 138.

be estimated from the circumstance that he would not permit his return until thirteen hostages, selected from the first families in the country, had repaired to Westminster and delivered themselves to the king.[1] It was one happy effect of the power and wealth which the capture of many noble prisoners necessarily conferred on those to whom they surrendered, that it softened the atrocities of war and diminished the effusion of blood. The only impediments to the continuance of peace arose out of the piracies of English cruisers and armed merchantmen, which, on the slightest provocation, were ready to make prize of any vessel they met—French, Flemish, Genoese, or Scottish; and it is a singular circumstance that, at this early period, we find the English ships beginning to insist on their superior right to the dominion of the seas, which they afterwards so proudly maintained. In 1402, a formal complaint was presented to Henry the Fourth by the magistrates of Bruges, which stated that two fishermen, one belonging to Ostend and the other to Briel, when engaged in the herring fishery of the North Sea, had been captured by the English and carried into Hull, although they lowered their sails the moment they were hailed.[2]

On the other hand, the Scots were not slow to make reprisals; although their power at sea, which we have seen so formidable during the reigns of Edward the Second and Third, appears to have experienced a sensible diminution. In 1404, the fishery on the coast of Aberdeenshire—a source of considerable wealth—had been invaded by the English: a small fleet of Scottish ships was immediately fitted out by Sir Robert Logan, who attacked and attempted to destroy some English vessels; but his force was insufficient, his ships were taken, and he himself carried prisoner into the port of Lynne in Norfolk.[3] Stewart, earl of Mar, with whose singular courtship and marriage we are already acquainted, after amusing his taste for adventures in foreign war,[4] leading the life of a knight-errant, and dividing his time between real fighting and the recreations of tilts and tournaments, became latterly a pirate, and with a small squadron infested the coast between Berwick and Newcastle, destroying or making prizes of the English vessels.

These hostile invasions, which appear to have been mutually committed on each other by the English and the Scottish merchantmen, were not openly countenanced by either government. No regular maritime laws for the protection of trade and commerce had as yet been practically established in Europe; the vessels which traded from one country to another, were the property not of the nation, but of individuals, who, if their own gain or interest interfered, did not consider themselves bound by treaties or truces; and when a ship of greater strength met a small merchantman richly laden, and incapable of resistance, the temptation to make themselves master of her cargo was generally too strong to be resisted.[5] Henry, however, shewed himself willing to redress the grievances suffered by the Scottish merchants, as well as to put an end to the frequent infractions of the truce which were committed by the Borderers of both nations; and the perpetual grants of letters of safe-conduct to natives of Scotland travelling through England on purposes of devotion, commerce, or pleasure, and eager to shew their prowess in deeds of arms, or to seek for distinction in continental war, evinced a sincere anxiety to keep up an amicable relation between the two countries, and to pave the way for a lasting peace.[6]

The return to their country of the

[1] Rotuli Scotiæ, vol. ii. p. 177.

[2] Rymer, Fœdera, vol. viii. p. 274, "quanquam ad primam vocem ipsorum Anglicorum idem Johannes Willes, velum suum declinavit." M'Pherson's Annals of Commerce, vol. i. p. 612.

[3] Walsingham, p. 364.

[4] Juvenal des Ursins, Histoire de Charles VI. p. 196.

[5] Rymer, Fœdera, vol. viii. pp. 203, 420.

[6] Rotuli Scotiæ, pp. 176–180. Rymer, vol. viii. pp. 416, 430, 445, 450.

two most powerful barons in the state, —the Earls of Douglas and of March, —with the "stanching of that mortal feud which had long continued between them," was another event that promised the best effects. The immense estates of March, which during his exile had been occupied by Douglas, were restored to him, with the exception of the lordship of Annandale and the castle of Lochmaben. These were retained by Douglas; and, in addition to the thirteen noble persons who were compelled to remain in England as hostages for his return, Henry extorted from him a ransom of a thousand marks before he consented to his departure.[1] Amongst the hostages were Archibald Douglas, eldest son of the earl, and James, his son; James, the son and heir of James Douglas, lord of Dalkeith; Sir William Douglas of Niddesdale, Sir John Seton, Sir Simon Glendinning, Sir John Montgomery, Sir John Stewart of Lorn, Sir William Graham, Sir William Sinclair of Hermandston, and others of the first rank and consequence.[2] The residence of these persons in England, and the care which Henry bestowed upon the education of their youthful monarch, who, though still retained in captivity, was provided with the best masters, treated with uniform kindness, and waited on with the honours due to his rank, contributed to increase the amicable intercourse between the two countries, and to give to both a short and happy interval of peace.

It was in the midst of this pacific period that the doctrines of Wickliff for the first time appeared in Scotland; and the flames of war had scarcely ceased, when the more dreadful flames of religious persecution were kindled in the country. John Resby, an English priest of the school of this great reformer, in whose remarkable works are to be found the seeds of almost every doctrine of Luther, had passed into Scotland, either in consequence of the persecutions of Wickliff's followers, which arose after his death, or from a desire to propagate the truth. After having for some time remained unnoticed, the boldness and the novelty of his opinions at length awakened the jealousy of the church; and it was asserted that he preached the most dangerous heresies. He was immediately seized by Laurence of Lindores, an eminent doctor in theology, and compelled to appear before a council of the clergy, where this inquisitor presided. Here he was accused of maintaining no fewer than forty heresies, amongst which the principal were, a denial of the authority of the pope as the successor of St Peter; a contemptuous opinion of the utility of penances and auricular confession; and an assertion that an absolutely sinless life was necessary in any one who dared to call himself the Vicar of Christ.[3]

Although Resby was esteemed an admirable preacher by the common people, his eloquence, as may easily be supposed, had little effect upon the bench of ecclesiastical judges before whom he defended himself. Laurence of Lindores was equally triumphant in his confutation of the written conclusions, and in his answers to the spoken arguments by which their author attempted to support them; and the brave but unfortunate inquirer after the truth was barbarously condemned to the flames, and delivered over to the secular arm. The cruel sentence was carried into immediate execution; and he was burnt at Perth in the year 1407, his books and writings being consumed in the same fire with their master. It is probable that the church was stimulated to this unjustifiable severity by Albany, the governor, whose bitter hatred to all Lollards and heretics, and zeal for the purity of the Catholic faith, are particularly recorded by Winton.[4]

And here, in the first example of persecution for religious opinions which is recorded in our history, the inevitable effects of such a course were

[1] Rotuli Scotiæ, vol. ii. pp. 182, 184. Harl. MS. 381. f. 212, quoted in Pinkerton's History, vol. i. p. 87. Fordun a Goodal, vol. ii. p. 444.

[2] Rotuli Scotiæ, vol. ii. pp. 181, 182.

[3] Fordun a Goodal, vol. ii. pp. 442, 443.

[4] Winton's Chronicle, vol. ii. p. 419.

clearly discernible in the increased zeal and affection which were evinced for the opinions which had been sealed by the blood of the preacher. The conclusions and little pamphlets of this early reformer were carefully concealed and preserved by his disciples; and any who had imbibed his opinions evinced a resolution and courage in maintaining them, which resisted every attempt to restore them to the bosom of the church. They did not dare, indeed, to disseminate them openly, but they met, and read, and debated in secret; and the doctrines which had been propagated by Resby remained secretly cherished in the hearts of his disciples, and reappeared after a few years in additional strength, and with a spirit of more active and determined proselytism.[1] It is not improbable, also, that amongst Resby's forty heretical conclusions were included some of those doctrines regarding the origin and foundation of the power of the civil magistrate and the rights of the people, which, being peculiar to the Lollards, were regarded with extreme jealousy by the higher orders in the state; and Albany's persecution of the heretics may have proceeded as much upon civil as on religious grounds.

Since the fatal battle of Durham, the castle of Jedburgh had been kept by the English. In its masonry, it was one of the strongest built fortresses in Scotland; and its garrison, by their perpetual attacks and plundering expeditions, had given great annoyance to the adjacent country. The moment the truce expired, the Teviotdale Borderers recommenced the war by reducing this castle; but on attempting to destroy the fortifications, it was found that such was the induration and tenacity of the mortar, that the whole walls and towers seemed one mass of solid stone; and that the expense of razing and levelling the works would be great. In a parliament held at Perth, a proposal was made to raise the sum required by a general tax of two pennies upon every hearth in the kingdom. But this the governor opposed, observing, that during the whole course of his administration, no such tax ever had been, or ever should be, levied; and that they who countenanced such an abuse merited the maledictions of the poor. He concluded by giving orders that the sum required should be paid to the lords marchers out of the royal customs—a liberality which was much extolled, and gained him high credit with the people.[2]

In the following year, a violent remonstrance was addressed by the English monarch to the Duke of Albany, complaining of the delay of the Earl of Douglas to fulfil his knightly word, by which he had solemnly engaged to return to his captivity; and threatening to use his hostages according to the laws of war, and to pursue the earl himself as a perjured rebel, if within a month he did not re-enter his person in ward. Douglas had, in truth, delayed his return to England a year beyond the stipulated period; and as the castle of Jedburgh was situated within his territories, it was naturally supposed by Henry that he had not been over scrupulous in observing the strict conditions of amity, and adherence to the "party of the King of England," to which he had set his hand and seal before regaining his liberty. Matters, however, were amicably composed between the offended monarch and his prisoner; and Douglas, having permanently purchased his liberty by the payment of a high ransom, once more returned to assume his wonted authority in the councils of the country.[3]

For some time after the reduction of Jedburgh, the war presented few features of interest or importance. Fast castle, a strength considered impregnable from its peculiar situation, had been occupied, during the convulsions of the times, by an English adventurer named Holder, who, combining the avocations of a freebooter on shore and a pirate at sea, became the terror of the country round his

[1] Fordun a Goodal, vol. ii. p. 442. Appendix to Dr M'Crie's Life of Melville, vol. i. p. 418.

[2] Fordun a Goodal, vol. ii. p. 444.

[3] Rymer, Fœdera, vol. viii. p. 478.

retreat. For such purposes the castle was admirably adapted. It was built upon a high rock overhanging the German ocean, so rugged and precipitous that all attack on that side was impossible; and it communicated with the adjoining country by a narrow neck of land, defended by a barbican, where a handful of resolute men could have defied an army. Notwithstanding these difficulties, Patrick Dunbar, son of the Earl of March, made himself master of the castle, and delivered the country from the depredations of its ferocious lord; but the particulars of the enterprise are unfortunately lost, and we only know that it was distinguished by the utmost address and courage.[1]

About the same time, Gawin Dunbar, March's second son, and Archibald Douglas of Drumlanrig, attacked and gave to the flames the town of Roxburgh, then in possession of the English; but these partial successes were more than counterbalanced by the losses sustained by the Scots. Sir Robert Umfraville, vice-admiral of England, with a squadron of ten ships of war, broke into the Forth, ravaged the country on both sides, and collected an immense booty, after which he swept the seas with his fleet, and made prizes of fourteen Scottish merchantmen. At the time of Umfraville's invasion, there happened to be a grievous dearth of grain in England, and the quantity of corn which he carried off from Scotland so materially reduced the prices of provisions, that it procured him the popular surname of Robin Mendmarket. On another occasion, the same experienced leader, who had charge of the military education of Gilbert Umfraville, titular Earl of Angus, determined to hold a military array in honour of his youthful pupil, who had just completed his fourteenth year. His banner, accordingly, was raised for the first time amidst the shouts of his vassals; and the festivities were concluded by a Border "raid," in which Jedburgh was sacked during its public fair, and reduced to ashes.

[1] Fordun a Goodal, vol. ii. p. 444. "Non minus subtiliter quam viriliter."

But the attention of the country was soon after this diverted from such brief and insulated hostilities to an event of a more serious and formidable nature, which shook the security of the government, and threatened to dismember a portion of the kingdom. This was the rebellion of Donald, lord of the Isles, of which the origin and the effects merit particular consideration. The ancient line of barons, which for a long period of years had succeeded to the earldom of Ross, ended at length in a female, Euphemia Ross, married to Sir Walter Lesley. Of this marriage there were two children: Alexander, afterwards Earl of Ross, and Margaret, married to Donald, lord of the Isles. Alexander, earl of Ross, married a daughter of the Duke of Albany, and had by her an only daughter, Euphemia, countess of Ross, who became a nun, and resigned the earldom of Ross in favour of her uncle, John, earl of Buchan. This destination of the property, the Lord of the Isles steadily and haughtily resisted He contended, that by Euphemia taking the veil, she became civilly dead; and that the earldom of Ross belonged lawfully to him in right of Margaret, his wife.[2] His plea was at once repelled by the governor; and this noble territory, which included the Isle of Skye and a district in the mainland equal in extent to a little kingdom, was declared to be the property of the Earl of Buchan. But the island prince, who had the pride and the power of an independent monarch, derided the award of Albany, and, collecting an army of ten thousand men, prepared not only to seize the disputed county, but determined to carry havoc and destruction into the heart of Scotland. Nor, in the midst of these ferocious designs, did he want somewhat of a statesmanlike policy, for he engaged in repeated alliances with England; and, as the naval force which he commanded was superior to any Scottish fleet which could be brought against him, his co-operation with the English in their attacks upon

[2] Sutherland Case, by Lord Hailes, chap. v. § 7.

the Scottish commerce was likely to produce very serious effects.[1]

When his preparations were completed, he at once broke in upon the earldom at the head of his fierce multitudes, who were armed after the fashion of their country, with swords fitted both to cut and thrust, pole-axes, bows and arrows, short knives, and round bucklers formed of wood, or strong hide, with bosses of brass or iron. The people of the country readily submitted to him; to have attempted opposition, indeed, was impossible; and these northern districts had for many centuries been more accustomed to pay their allegiance to the Norwegian yarls, or pirate kings, whose power was at their door, than to acknowledge the remote superiority of the Scottish crown. At Dingwall, however, he was encountered by a formidable opponent in Angus Dhu, or Black Angus, who attacked him with great fierceness, but was overpowered and made prisoner, after his brother, Roderic Gald, and the greater part of his men had been cut to pieces.

The Lord of the Isles then ordered a general rendezvous of his army at Inverness, and sent his summons to levy all the fighting men in Boyne and Euzie, who were compelled to follow his banner, and to join the soldiers from the Isles; with this united force, consisting of the best levies in the islands and the north, he swept through Moray, meeting with none, or the most feeble resistance; whilst his soldiers covered the land like locusts, and the plunder of money, arms, and provisions, daily gave them new spirits and energy. Strathbogie was next invaded; and the extensive district of Garvyach, which belonged to his rival, the Earl of Mar, was delivered up to cruel and indiscriminate havoc. It had been the boast of the invader that he would burn the rich burgh of Aberdeen, and make a desert of the country to the shores of the Tay; and as the smoke of his camp-fires was already seen on the banks of the Don, the unhappy burghers began to tremble in their booths, and to anticipate the realisation of these dreadful menaces.[2] But their spirits soon rose when the Earl of Mar, whose reputation as a military leader was of the highest order, appeared at the head of an army composed of the bravest knights and gentlemen in Angus and the Mearns, and declared his resolution of instantly advancing against the invader. Mar had the advantage of having been bred up in the midst of Highland war, and at first distinguished himself, as we have seen, by his predatory expeditions at the head of the Highlanders. But his marriage with the Countess of Mar, and his reception at court, appear to have effectually changed his character: the savage habits of his early life were softened down, and left behind them a talent for war, and an ambition for renown, which restlessly sought for employment wherever there was a chance of gaining distinction. When on the continent, he had offered his services to the Duke of Burgundy; and the victory at Liege was mainly ascribed to his skill and courage, so that his reputation abroad was as distinguished as at home. In a short time he found himself at the head of the whole power of Mar and Garvyach, in addition to that of Angus and the Mearns; Sir Alexander Ogilvy, sheriff of Angus; Sir James Scrymgeour, constable of Dundee, and hereditary standard-bearer of Scotland; Sir Alexander Irvine, Sir Robert Melville, Sir William de Abernethy, nephew to Albany, and many other barons and esquires, with their feudal services, joined him with displayed banner; and Sir Robert Davidson, the provost of Aberdeen, and a troop of the stoutest burgesses, came forward to defend their hearths and their stalls from the ravages of the Lord of the Isles.

Mar immediately advanced from Aberdeen, and, marching by Inverury, came in sight of the Highlanders at the village of Harlaw, on the water of Ury, not far from its junction with the Don. He found that his little army was immensely outnumbered—

[1] Rymer, Fœdera, vol. viii. pp. 418, 527.

[2] Fordun a Goodal, vol. ii. p. 445.

it is said, by nearly ten to one; but it consisted of the bravest barons in these parts; and his experience had taught him to consider a single knight in steel as a fair match against a whole troop of *ketherans*. Without delay, therefore, he intrusted the leading of the advance to the Constable of Dundee and Ogilvy, the sheriff of Angus, who had with them a small but compact battalion of men-at-arms; whilst he himself followed with the rearward, composed of the main strength of his army, including the Irvings, the Maules, the Morays, the Straitons, the Lesleys, the Stirlings, the Lovels, headed by their chiefs, and with their banners and penoncelles waving amid their grove of spears. Of the Islesmen and Highlanders, the principal leaders were the Lord of the Isles himself, with Macintosh and Maclean, the heads of their respective septs, and innumerable other chiefs and chieftains, animated by the old and deep-rooted hostility between the Celtic and Saxon race.[1]

The shock between two such armies may be easily imagined to have been dreadful: the Highlanders, who were ten thousand strong, rushing on with the fierce shouts and yells which it was their custom to raise in coming into battle, and the knights meeting them with levelled spears and ponderous maces and battle-axes. In his first onset, Scrymgeour and the men-at-arms who fought under him with little difficulty drove back the mass of Islesmen, and, cutting his way through their thick columns, made a cruel slaughter. But though hundreds fell around him, thousands poured in to supply their place, more fierce and fresh than their predecessors; whilst Mar, who had penetrated with his main army into the very heart of the enemy, found himself in the same difficulties, becoming every moment more tired with slaughter, more encumbered with the numbers of the slain, and less able to resist the increasing and reckless ferocity of the masses that still yelled and fought around him. It was impossible that this should continue much longer without making a fatal impression on the Scots; and the effects of fatigue were soon seen. The Constable of Dundee was slain; and the Highlanders, encouraged by his fall, wielded their broadswords and Lochaber axes with murderous effect; seizing and stabbing the horses, and pulling down their riders, whom they despatched with their short daggers. In this way were slain some of the best soldiers of these northern districts. Sir Robert Davidson, with the greater part of the burgesses who fought around him, were amongst the number; and many of the families lost not only their chief, but every male in the house. Lesley of Balquhain, a baron of ancient lineage, is said to have fallen with six of his sons slain beside him. The Sheriff of Angus, with his eldest son George Ogilvy, Sir Alexander Irvine of Drum,[2] Sir Robert Maule, Sir Thomas Moray, William Abernethy, Alexander Straiton of Lauriston, James Lovel, Alexander Stirling, and above five hundred men-at-arms, including the principal gentry of Buchan, shared their fate;[3] whilst Mar himself, and a small number of the survivors, still continued the battle till nightfall. The slaughter then ceased; and it was found in the morning that the island lord had retreated by Inverury and the hill of Bennachie, checked and broken certainly by the desperate contest, but neither conquered nor very effectually repulsed. Mar, on the contrary, although he passed the night on the field, did so, not in the triumphant assertion of victory, but from the

[1] In one of the Macfarlane MSS. preserved in the Advocates' Library, entitled, "A Geographical Description of Scotland," (vol. i. pp. 7, 20,) will be found a minute description of the locality of this battle. See Illustrations, A.

[2] There is a tradition in the family of Irvine of Drum, that the Laird of Maclean was slain by Sir Alexander Irvine. Genealogical Collections, MS. Adv. Library, Jac. V. 4, 16. vol. i. p. 180. Irvine was buried on the field, where in ancient times a cairn marked the place of his interment, which was long known by the name of Drum's Cairn. Kennedy's Annals of Aberdeen. vol. i. p. 51.

[3] Fordun a Hearne, pp. 1175, 1176. Extracta ex Chronicis Scotiæ, MS. fol. 257.

effects of wounds and exhaustion: the best and bravest of his friends were stretched around him; and he found himself totally unable to pursue the retreat of the islesmen. Amongst those of the Highlanders who fell were the chiefs of Maclean and Macintosh, with upwards of nine hundred men: a small loss compared with that sustained by the Lowlanders. The battle was fought on St James's Eve, the 24th of July; and from the ferocity with which it was contested, and the dismal spectacle of civil war and bloodshed exhibited to the country, it appears to have made a deep impression on the national mind. It fixed itself in the music and the poetry of Scotland. A march, called the Battle of Harlaw, continued to be a popular air down to the time of Drummond of Hawthornden; and a spirited ballad on the same event is still repeated in our own age, describing the meeting of the armies and the deaths of the chiefs in no ignoble strain.[1] Soon after the battle a council-general was held by the governor, in which a statute was passed in favour of the heirs of those who had died in defence of the country, exempting them from the feudal fines usually exacted before they entered upon possession of their estates, and permitting them, although minors, immediately to serve heirs to their lands. It will, perhaps, be recollected that Bruce, on the eve of the battle of Bannockburn, encouraged his troops by a promise of the like nature.[2]

It was naturally suspected by Albany that the chief of the Isles, who was crippled rather than conquered, had only fallen back to refresh his men and procure reinforcements from Ross-shire and the Hebrides; and as the result of the battle had shewn that, however inferior in arms or in discipline, the Highlanders could make up for these disadvantages in numbers and ferocity, a renewal of the invasion was anticipated with alarm, and Albany determined to prevent it by an unwonted display of military spirit and activity. He collected an army in the autumn; marched in person to Dingwall, one of the principal castles of the ancient Earls of Ross, situated at the west end of the Cromarty Firth; and having made himself master of it, appointed a governor, and proceeded to repossess himself of the whole county of Ross. Donald, however, fell back upon his island strengths, and during the winter defied his enemies; but as soon as the summer permitted the resumption of hostilities, Albany again attacked him; and, after a war conducted with various success, the island king was compelled to lay down his assumed independence, and give up all claim to the earldom of Ross; to consent to become a vassal of the Scottish crown, and to deliver hostages for his future good behaviour. The treaty was concluded at Polgilbe, or Polgillip, now Loch Gilp, an arm of the sea running into the district of Knapdale, in Argyle.[3] This successful termination of a rebellion which appeared so formidable in its commencement was followed by a truce with England, in which it was declared that, from the river Spey in Scotland to the mount of St Michael in Cornwall, all hostilities between the two countries should cease after the 17th of May 1412, for the period of six years.[4]

Albany now became impatient for the return of his eldest son, who had remained a captive in England since the battle of Homildon Hill. As he felt the approach of age, he was desirous of making a quiet transfer of his power in the government into the hands of his own family, and various negotiations regarding the hostages to be delivered for Murdoch, and the ransom which was claimed, had already taken

[1] Battle of Harlaw. Laing's Early Metrical Tales, p. 229.

[2] History, supra, vol. i. p. 118. The fact mentioned in the text is proved by a Retour in the Cartulary of Aberdeen, fol. 121, in favour of Andrew de Tulidef, whose father, William de Tulidef, was slain at Harlaw. It was pointed out to me by my friend Mr Thomson, Deputy Clerk-Register, to whom this volume is under repeated obligations. See Illustrations, letter B.

[3] Fordun a Hearne, p. 1177. Macpherson's Geographical Illustrations, voce Polgylbe.

[4] Rymer, Fœdera, vol. viii. p. 737.

place, but without success; whilst the total indifference evinced by the governor to the prolonged captivity of the sovereign clearly shewed that if age had impaired his strength, it had in no degree awakened his remorse or stifled his ambition. It was evident that he intended his son to succeed him in the high authority which he had so long usurped; and Sir Walter Stewart of Ralston and John de Leith were engaged in a final treaty for the return of the future governor, when their proceedings were suddenly interrupted by the death of Henry the Fourth, and the accession of a new sovereign to the English throne.[1]

The uncertain tenure by which the crown had been held by Henry the Fourth, and his consequent anxiety to ward off all foreign attack, when his attention was required in suppressing conspiracy at home, had contributed greatly to preserve the peace with Scotland; and under his successor, Henry the Fifth, the great designs of this youthful conqueror against France, and his subsequent invasion of that kingdom, rendered it as materially his interest as it had been that of his predecessor to maintain pacific relations with that country. In this view the possession of the King of Scotland, and the eldest son of the Regent, gave him a hold over the politics of the country, which he employed with great skill and effect in weakening the enmity and neutralising the hostile schemes of those parties which were opposed to his wishes, and inclined to renew the war.

But it is necessary here for a moment to interrupt the narrative in order to fix our attention upon a spectacle which, amid the gloomy pictures of foreign or domestic war, offers a refreshing and pleasing resting-place to the mind. This was the establishment of the University of St Andrews by Henry Wardlaw, the bishop of that see, to whom belongs the unfading honour of being the founder of the first university in Scotland, the father of the infant literature of his country.

[1] Rymer, Fœdera vol. viii. pp. 708, 735, 775

Before this time the generosity of the Lady Devorguilla, the wife of John Baliol, had established Baliol College in Oxford, in the end of the thirteenth century; and we have seen the munificence of a Scottish prelate, the Bishop of Moray, distinguishing itself by the institution of the Scottish College of Paris, in 1326; but it was reserved for the enlightened spirit of Wardlaw to render unnecessary the emigration of our Scottish youth to these and other foreign seminaries, by opening the wells of learning at home, and, in addition to the various schools which were connected with the monasteries, by conferring upon his country the distinction of a university, protected by Papal sanction, and devoted to the cultivation of what were then esteemed the higher branches of science and philosophy. The names of the first professors in this early institution have been preserved. The fourth book of the Sentences of Peter Lombard was explained by Laurence of Lindores, a venerable master in theology, whose zeal for the purity of the Catholic faith had lately been displayed in the condemnation of John Resby the Wickliffite at Perth. The importance then attached to an education in the canon law was shewn by its being taught and expounded by four different masters, who conducted their pupils from its simplest elements to its most profound reasonings. These were Richard Cornel, archdeacon of Lothian, John Litstar, canon of St Andrews, John Shevez, official of St Andrews, and William Stevens, afterwards Bishop of Dumblane; whilst in philosophy and logic the lectures were delivered by John Gill, William Fowlis, and William Crosier. These learned persons commenced their prelections in 1410, immediately after the Feast of Pentecost, and continued their labours for two years and a half. But although a communication with Rome had taken place, the establishment was yet unsanctioned by that authority, without which all such institutions were then considered imperfect.[2]

At length, on the 3d of February

[2] Fordun a Goodal, vol. ii. pp. 445, 446.

1413, Henry Ogilvy, master of arts, made his entry into the city, bearing the Papal bulls, which endowed the infant seminary with the high and important privileges of a university; and his arrival was welcomed by the ringing of bells from the steeples, and the tumultuous joy of all classes of the inhabitants. On the following day, being Sunday, a solemn convocation of the clergy was held in the refectory, and the Papal bulls having been read in presence of the bishop, the chancellor of the university, they proceeded in procession to the high altar, where *Te Deum* was sung by the whole assembly—the bishops, priors, and other dignitaries being arrayed in their richest canonicals, whilst four hundred clerks, besides novices and lay brothers, prostrated themselves before the altar, and an immense multitude of spectators bent their knees in gratitude and adoration. High mass was then celebrated, and when the service was concluded the remainder of the day was devoted to mirth and festivity. In the evening bonfires in the streets, peals of bells, and musical instruments, processions of the clergy, and joyful assemblies of the people, indulging in the song, the dance, and the wine-cup, succeeded to the graver ceremonies of the morning; and the event was welcomed by a boisterous enthusiasm more befitting the brilliant triumphs of war than the quiet and noiseless conquests of science and philosophy.

The first act of Henry the Fifth which affected Scotland seemed to indicate an extremity of suspicion, or a promptitude of hostility, which were equally alarming. His father died on the 20th of March, and on the succeeding day the king issued orders that James, king of Scotland, and Murdoch, earl of Fife, should be committed to the Tower.[1] It would appear, however, by the result that this was more a measure of customary precaution, enforced upon all prisoners upon the death of the sovereign to whom their parole had been given, than of any individual hostility. It was believed that the prisoners might avail themselves of a notion that during the interval between the death of one king and the accession of another they were not bound by their parole, but free to escape; and this idea is confirmed by the circumstance of their being liberated from the Tower within a short time after their commitment.

Henry's great designs in France rendered it, as we have already remarked, absolutely necessary for him to preserve his pacific relations with Scotland: and, under a wise and patriotic governor, the interval of rest which his reign afforded to that country might have been improved to the furtherance of its best interests. But Albany, had he even been willing, did not dare to employ in this manner the breathing time allowed him. As a usurper of the supreme power, he was conscious that he continued to hold it only by the sufferance of the nobles; and in return for their support it became necessary for him to become blind to their excesses, and to pass over their repeated delinquencies. Dilapidation of the lands and revenues of the crown, invasions of the rights of private property, frequent murders arising from the habit of becoming the avengers of their own quarrel, and a reckless sacrifice of the persons and liberties of the lower classes in the community, were crimes of perpetual recurrence, which not only escaped with impunity, but whose authors were often the very dignitaries to whom the prosecution and the punishment belonged; whilst the conduct of the governor himself, in his unremitting efforts for the aggrandisement of his own family, increased the evil by the weight of his example, and the pledge which it seemed to furnish that no change for the better would be speedily attempted.

During the few remaining years of Albany's administration, two objects are seen to be constantly kept in view —the restoration of his son, Murdoch Stewart, and the retention of his sovereign, James the First, in captivity; and in both his intrigues were successful. It was impossible for him, indeed, so effectually to keep down the hereditary animosity between the two

[1] Fœdera, vol ix. p. 2.

nations as to prevent it from breaking forth in Border inroads and insulated acts of hostility, but a constant succession of short truces, and a determination to discourage every measure which might have the effect of again plunging the country into war, succeeded in conciliating the English king, and rendering him willing to agree to the return of his son to Scotland. In consequence of this, an exchange was negotiated; young Henry Percy, the son of the illustrious Hotspur, who since the rebellion and death of his grandfather, the Earl of Northumberland, had remained in Scotland, returned to England, and was reinstated in his honours, whilst Murdoch Stewart was finally liberated from his captivity, and restored to the desires rather of his father than of his country. It was soon, however, discovered that his character was of that unambitious and feeble kind which unfitted him for the purposes which had made his return so anxiously expected by the governor.

In his attempts to accomplish his second object, that of detaining his sovereign a prisoner in England, Albany experienced more serious difficulties. James's character had now begun to develop those great qualities which during his future reign so highly distinguished him. The constant intercourse with the court of Henry the Fourth which was permitted to Scottish subjects had enabled many of his nobility to become acquainted with their youthful sovereign; these persons he found means to attach to his interest, and upon their return they employed their utmost efforts to traverse the designs of Albany. Owing to their influence, a negotiation for his return to his dominions took place in 1416, by the terms of which the royal captive was to be permitted to remain for a certain time in Scotland, upon his leaving in the hands of the English king a sufficient number of hostages to secure the payment of a hundred thousand marks in the event of his not delivering himself within the stipulated period.[1] To the Bishop of Durham, and the Earls of Northumberland and Westmoreland, was intrusted the task of receiving the oaths of the Scottish king and his hostages, whilst the treaty had been so far successful that letters of safe-conduct were granted to the Bishops of St Andrews and Glasgow, the Earls of Crawford, Douglas, and Mar, Murdoch Stewart, Albany's eldest son, and John, his brother, earl of Buchan, to whom the final adjustment was to be committed. But, from what cause cannot now be discovered, the treaty, when on the eve of being concluded, mysteriously broke off. Whether it was owing to the intrigues of the governor, or the jealousy of Scottish influence in the affairs of France, Henry became suddenly cool, and interrupted the negotiation, so that the unfortunate prince saw himself at one moment on the eve of regaining his liberty, and being restored to the kingdom which was his rightful inheritance, and the next remanded back to his captivity, and condemned to the misery of that protracted hope which sickens the heart. Are we to wonder that his resentment against the man whose base and selfish intrigues he well knew to be the cause of the failure of the negotiation should have assumed a strength and a violence which, at a future period, involved not only himself but his whole race in utter ruin?

In the meantime, however, the power of the state was fixed too firmly in the hands of Albany for the friends of the young king to defeat his schemes; and as the governor began to suspect that a continuance of peace encouraged intrigues for the restoration of James and his own deposition, he determined as soon as the last short truce had expired not only to invade England, but to send over an auxiliary force to the assistance of France. The object of all this was apparent—a war gave immediate employment to the restless spirits of the nobility, it at once interrupted their intercourse with their captive sovereign, it necessarily incensed the English monarch, put an end to that kind and conciliatory spirit with which he had conducted his cor-

[1] Rymer, Fœdera, vol. ix. pp. 341. 417.

respondence with that country, and rendered it almost certain that he would retain the royal captive in his hands.

The baseness of Albany in pursuing this line of policy cannot be too severely condemned. If ever there was a period in which Scotland could have enjoyed peace with security and with advantage, it was the present. The principles upon which Henry the Fifth acted with regard to that country were those of perfect honour and good faith. All those ideas of conquest, so long and so fondly cherished by the English kings since the days of Edward the First, had been renounced, and the integrity and independence of the kingdom completely acknowledged. In this respect, the reigns of Edward the Third and Henry the Fifth offer as striking a contrast in the conduct pursued by these two monarchs towards Scotland as they present a brilliant parallel in their ambitious attacks upon France. The grasping and gigantic ambition of Edward the Third was determined to achieve the conquest of both countries, and it must be allowed that he pursued his object with great political ability; but his failure in this scheme, and the unsuccessful result of the last invasion by Henry the Fourth, appear to have convinced his warlike son that two such mighty designs were incompatible, and that one of the first steps towards ultimate success in his French war must be the complete restoration of amity with Scotland.

It was now, therefore, in the power of that country to enjoy a permanent peace, established on the basis of independence. The King of England was ready to deliver to her a youthful sovereign of great talents and energy, who, although a captive, had been educated at his father's court with a liberality which had opened to him every avenue to knowledge; and, under such a reign, what might not have been anticipated, in the revival of good order, the due execution of the laws, the progress of commerce and manufactures, the softening the harshness and tyranny of the feudal aristocracy, and the gradual amelioration of the middle and lower classes of the community? Yet Albany hesitated not to sacrifice all this fair prospect of national felicity to his individual ambition; and once more plunged the country into war, for the single purpose of detaining his sovereign in captivity, and transferring the power which he had so long usurped into the hands of his son. For a while he succeeded; but he little anticipated the dreadful reckoning to which those who now shared his guilt and his triumph were so soon to be called.

His talents for war, however, were of a very inferior description. An expedition which he had meditated against England in a former year, in which it was commonly reported that he was to besiege Berwick at the head of an army of sixty thousand men, and that the cannon and warlike machines to be employed in the enterprise had already been shipped on board the fleet, concluded in nothing, for neither army nor artillery ever appeared before Berwick.[1] Nor was his second invasion much more successful. He laid siege indeed to Roxburgh, and the miners had commenced their operations, when news was brought to his camp that the Duke of Bedford, to whom Henry, during his absence in France, had intrusted the protection of the Borders, was advancing, by rapid marches, at the head of an army of forty thousand men. Albany had foolishly imagined that the whole disposable force of England was then in France with the king; but, on discovering his mistake, he precipitately abandoned the siege; and, without having achieved anything in the least degree correspondent to his great preparations, retreated into Scotland. The invasion, from its inglorious progress and termination, was long remembered in the country by the contemptuous appellation of "The Foul Raid."[2]

[1] Walsingham, p. 399. Fordun a Goodal, vol. ii. p. 449.

[2] Rymer, Fœdera, vol. ix p. 307. A.D 1415.

But if the war was carried on in this feeble manner by Albany, the English cannot be accused of any such inglorious inactivity. On the contrary, Henry had left behind him, as guardians of the marches, some of his bravest and most experienced leaders; and amongst these, Sir Robert Umfraville, governor of Berwick, eager to emulate the exploits of his countrymen in France, invaded Scotland by the east marches, and committed dreadful havoc and devastation. The whole country was reduced into one wide field of desolation, and the rich Border towns of Hawick, Selkirk, Jedburgh, Lauder, Dunbar, with the numerous villages, hamlets, and granges of Teviotdale and Liddesdale, were burnt to the ground; whilst the solitary success upon the part of Scotland seems to have been the storming of Wark castle by William Haliburton, which, however, was soon afterwards retaken by Sir Robert Ogle, and the whole of the Scottish garrison put to the sword.[1]

It was not long after this that the Dauphin despatched the Duke of Vendome on an embassy to the Scottish court. Its object was to request assistance against the English; and a parliament having been immediately assembled, it was determined by the governor to send into France a large auxiliary force, under the conduct of his second son, Sir John Stewart, Earl of Buchan, and the Earl of Wigtown. The vessels for the transport of these troops were to be furnished by France; and the King of Castile, with the Infanta of Arragon, who were in alliance with the Scots, had promised to fit out forty ships for the emergency. Alarmed at a resolution which might produce so serious a diversion in favour of his enemies, Henry instantly despatched his letters to his brother the Duke of Bedford, on whom, during his absence in France, he had devolved the government, directing him to seize and press into his service, in the various seaports where they could be found, a sufficient number of ships and galleons, to be armed and victualled with all possible despatch, for the purpose of intercepting the Scottish auxiliaries; but the command was either disregarded, or came too late, for an army of seven thousand troops, amongst whom were the flower of the Scottish nobles, were safely landed in France, and were destined to distinguish themselves in a signal manner in their operations against the English.[2]

For a year, however, they lay inactive, and during this period important changes took place in Scotland. Albany the governor, at the advanced age of eighty, died at the palace of Stirling, on the 3d of September 1419. If we include the period of his management of the state under his father and brother, he may be said to have governed Scotland for thirty-four years; but his actual regency, from the death of Robert the Third to his own decease, did not exceed fourteen years.[3] So effectually had he secured the interest of the nobility, that his son succeeded, without opposition, to the power which his father had so ably and artfully consolidated. No meeting of the parliament, or of any council of the nobility, appears to have taken place; and the silent assumption of the authority and name of governor by Duke Murdoch, during the continued captivity of the king, was nothing else than a bold act of treason.[4] It was soon apparent, however, that the dangerous elevation was rather thrust upon him by his party than chosen by himself; and that he possessed neither the talents nor the inclination to carry on that system of usurpation of which his father had raised the superstructure, and no doubt flattered himself that he had secured the foundations. Within four years, under the weak, gentle, and vacillating administration of Murdoch, it

[1] Fordun a Goodal, vol. ii. p. 458. Hardyng's Chronicle, p. 382.

[2] Extracta ex Chronicis Scotiæ, MS. p. 262. See Illustrations, C.

[3] Fordun a Goodal, vol. ii. p. 466. Extracta ex Chronicis Scotiæ, p. 263, MS.

[4] In Macfarlane's Genealogical Collections, MS. vol. i. p. 3, is a precept of sasine by Duke Murdoch to the Laird of Balfour, in which he styles himself "Regni Scotiæ Gubernator."

crumbled away, and gave place to a state of rude and unlicensed anarchy. The nobility, although caressed and flattered by Albany, who, in his desire to attain popularity, had divided amongst them the spoils of the crown lands, and permitted an unsafe increase of individual power, had yet been partially kept within the limits of authority; and if the laws were not conscientiously administered, they were not openly outraged. But under the son all became, within a short time, one scene of rude, unlicensed anarchy; and it was evident that, to save the country from ruin, some change must speedily take place. In the meantime, Henry the Fifth, alarmed at the success of the strong auxiliary force which the Earls of Buchan and Wigtown had conducted to France, insisted upon his royal captive, James the First, accompanying him in his expedition to renew the war in that country, having first entered into an engagement with that prince, by which he promised to permit him to revisit his dominions for a stipulated period, and under the condition of his delivering into the hands of England a sufficient number of hostages for his return.[1]

Archibald, earl of Douglas, the most powerful noble in Scotland, appears at this time to have deeply interested himself in the return of James to his dominions. He engaged to assist Henry in his French war with a body of two hundred knights and squires, and two hundred mounted archers; and that prince probably expected that the Scottish auxiliaries would be induced to detach themselves from the service of the Dauphin, rather than engage in hostilities with their rightful sovereign. According to the English historians, the Scottish king, when requested by Henry to command his subjects on their allegiance to leave the service of France, replied, that so long as he remained a prisoner, it neither became him to issue, nor them to obey, such an order. But he added, that to win renown as a private knight, and to be instructed in the art of war under so great a captain, was an opportunity he willingly embraced. Of the particulars of his life at this period no account remains, but there is ample evidence that he was in constant communication with Scotland. His private chaplain, William de Mirton, Alexander de Seton, lord of Gordon, William Fowlis, secretary to the Earl of Douglas, and in all probability many others, were engaged in secret missions, which informed him of the state of parties in his dominions, of the weak administration of Murdoch, the unlicensed anarchy which prevailed, and the earnest wishes of all good men for the return of their sovereign.[2]

It was at this crisis that Henry the Fifth closed his heroic career, happier than Edward the Third in his being spared the mortification of outliving those brilliant conquests, which in the progress of years were destined to be as effectually torn from the hand of England. The Duke of Bedford, who succeeded to the government of France, and the Duke of Gloucester, who assumed the office of Regent in England during the minority of Henry the Sixth, appear to have been animated with favourable dispositions towards the Scottish king; and within a few months after the accession of the infant sovereign, a negotiation took place, in which Alexander Seton, lord of Gordon, Thomas de Mirton, the chaplain of the Scottish monarch, Sir John Forester, Sir Walter Ogilvy, John de Leith, and William Fowlis, had a meeting with the privy council of England upon the subject of the king's return to his dominions.[3] It was determined that on the 12th of May 1423, James should be permitted to meet at Pontefract with the Scottish ambassadors, who should be empowered to enter into a negotiation upon this subject with the ambassadors of the King of England; and such a conference having accordingly taken place, the final treaty was concluded at London between the Bishop of Glasgow, chancellor of Scotland, the Abbot of Balmerinoch,

[1] Rymer Fœdera, vol. x. pp. 19, 125.

[2] Rymer. Fœdera, vol. x. pp. 166, 227. Ibid. pp. 174, 296.

[3] Ibid. vol. x. p. 266

George Borthwick, archdeacon of Glasgow, and Patrick Howston, licentiate in the laws, ambassadors appointed by the Scottish governor;[1] and the Bishop of Worcester and Stafford, the treasurer of England, William Alnwick, keeper of the privy seal, the Lord Cromwell, Sir John Pelham, Robert Waterton, Esq., and John Stokes, doctor of laws, commissaries appointed by the English regency.

It will be recollected that James had been seized by the English during the time of truce, and to have insisted on a ransom for a prince, who by the law of nations was not properly a captive, would have been gross injustice. The English commissioners accordingly declared that they should only demand the payment of the expenses of the King of Scotland which had been incurred during the long period of his residence in England; and these they fixed at the sum of forty thousand pounds of good and lawful money of England, to be paid in yearly sums of ten thousand marks, till the whole was discharged. It was determined that the king should not only promise, upon his royal word and oath, to defray this sum, but that certain hostages from the noblest families in the country should be delivered into the hands of the English king, to remain in England at their own expense, till the whole sum was paid; and that, for further security, a separate obligation should be given by the four principal towns of Edinburgh, Perth, Dundee, and Aberdeen,[2] by which they promised to defray the sum to the English treasury, in the event of its not being paid by their own sovereign.

In addition to this, the ambassadors of both countries were empowered to treat of a marriage between the Scottish king and some English lady of noble birth; and as James, during his captivity, had fallen in love with the daughter of the Earl of Somerset, a lady of royal descent by both parents, and of great beauty and accomplishments, this part of their negotiation was without difficulty concluded. Johanna Beaufort had already given her heart to the royal captive; and the marriage was concluded with the customary feudal pomp in the church of St Mary Overy, in Southwark,[3] after which the feast was held in the palace of her uncle, the famous Cardinal Beaufort, a man of vast wealth and equal ambition.[4] Next day, James received as the dower of his wife a relaxation from the payment of ten thousand marks of the original sum which had been agreed on.[5] A truce of seven years was concluded; and, accompanied by his queen and a brilliant cortege of the English nobility, to whom he had endeared himself by his graceful manners and deportment, he set out for his own dominions. At Durham, he was met by the Earls of Lennox, Wigtown, Moray, Crawford, March, Orkney, Angus, and Strathern, with the Constable and Marshal of Scotland, and a train of the highest barons and gentry of his dominions, amounting altogether to about three hundred persons; from whom a band of twenty-eight hostages were selected, comprehending some of the most noble and opulent persons in the country. In the schedule containing their names, the annual rent of their estates is also set down, which renders it a document of much interest, as illustrating the wealth and comparative influence of the Scottish aristocracy.[6]

From Durham, James, still surrounded by his nobles, and attended by the Earl of Northumberland, the sheriff of that county, and an escort under Sir Robert Umfraville, Sir William Heron, and Sir Robert Ogle, proceeded in his joyful progress, and halted, on reaching the Abbey of Melrose, for the purpose of fulfilling the obligation which bound him to confirm the treaty by his royal oath, upon

[1] Rymer, Fœdera, vol. x. p. 298. The commission by the governor is dated Inverkeithing, August 19, 1423.
[2] Ibid. vol. x. p. 303.
[3] Rymer, Fœdera, vol. x. pp. 321, 323.
[4] Gough's Sepulchral Monuments, vol. ii. p. 127, plate 41, p. 148. Dugdale's Baronage, vol. ii. p. 122.
[5] Rymer, Fœdera, vol. x. p. 323, dated 12th Feb. 1424.
[6] Ibid. vol. x. pp. 307, 309. See Illustrations, D.

the Holy Gospels, within four days after his entry into his own dominions.[1]

He was received by all classes of his subjects with expressions of tumultuous joy and undissembled affection; and the regent hastened to resign the government into the hands of a prince who was in every way worthy of the crown.

CHAPTER II.

JAMES THE FIRST.

1424—1437.

IN James the First Scotland was at length destined to receive a sovereign of no common character and endowments. We have seen that when a boy of fourteen he was seized by the English, and from that time till his return in 1424, twenty years of his life, embracing the period of all others the most important and decisive in the formation of future character, had been passed in captivity. If unjust in his detention, Henry the Fourth appears to have been anxious to compensate for his infringement of the law of nations by the care which he bestowed upon the education of the youthful monarch. He was instructed in all the warlike exercises, and in the high-bred observances and polished manners of the school of chivalry; he was generously provided with masters in the various arts and sciences; and as it was the era of the revival of learning in England, the age especially of the rise of poetic literature in Chaucer and Gower, his mind and imagination became deeply infected with a passion for those elegant pursuits. But James, during his long captivity, enjoyed far higher advantages. He was able to study the arts of government, to make his observations on the mode of administering justice in England, and to extract wisdom and experience from a personal acquaintance with the disputes between the sovereign and his nobility; whilst in the friendship and confidence with which he appears to have been uniformly treated by Henry the Fifth, who made him the partner of his campaigns in France, he became acquainted with the politics of both countries, received his education in the art of war from one of the greatest captains whom it has produced; and, from his not being personally engaged, had leisure to avail himself to the utmost of the opportunities which his peculiar situation presented. There were other changes also which were then gradually beginning to manifest themselves in the political condition of the two countries, which, to his acute and discerning mind, must necessarily have presented a subject of thought and speculation—I mean the repeated risings of the commons against the intolerable tyranny of the feudal nobility, and the increased wealth and consequence of the middle classes of the state; events which, in the moral history of those times, are of deep interest and importance, and of which the future monarch of Scotland was a personal observer. The school, therefore, in which James was educated seems to have been eminently qualified to produce a wise and excellent king; and the history of his reign corroborates this observation.

On entering his kingdom, James

[1] Rymer, Fœdera, vol. x. pp. 333, 343. Dated April 5, 1425.

proceeded to Edinburgh, where he held the festival of Easter; and on the twenty-first of May he and his queen were solemnly crowned in the Abbey Church of Scone. According to an ancient hereditary right, the king was placed in the royal seat by the late governor, Murdoch, duke of Albany and earl of Fife, whilst Henry Wardlaw, bishop of St Andrews, the same faithful prelate to whom the charge of his early education had been committed, anointed his royal master, and placed the crown upon his head, amid a crowded assembly of the nobility and clergy, and the shouts and rejoicings of the people. The king then proceeded to bestow the honour of knighthood upon Alexander Stewart, the younger son of the Duke of Albany; upon the Earls of March, Angus, and Crawford; William Hay of Errol, constable of Scotland, John Scrymgeour, constable of Dundee, Alexander Seton of Gordon, and eighteen others of the principal nobility and barons;[1] after which he convoked his parliament on the 26th of May, and proceeded to the arduous task of inquiring into the abuses of the government, and adopting measures for their reformation.

Hitherto James had been but imperfectly informed regarding the extent to which the government of Albany and his feeble successor had promoted, or permitted, the grossest injustice and the most unlicensed peculation. He had probably suspected that the picture had been exaggerated; and with that deliberate policy which constituted a striking part of his character, he resolved to conduct his investigations in person, before he gave the slightest hint of his ultimate intentions. It is said, indeed, that when he first entered the kingdom, the dreadful description given by one of his nobles of the unbridled licentiousness and contempt of the laws which everywhere prevailed threw him for a moment off his guard. "Let God but grant me life," cried he, with a loud voice, "and there shall not be a spot in my dominions where the key shall not keep the castle, and the furze-bush the cow, though I myself should lead the life of a dog to accomplish it!"[2] This, however, was probably spoken in confidence, for the object of the king was to inform himself of the exact condition of his dominions without exciting alarm, or raising a suspicion, which might foster opposition and induce concealment. The very persons who sat in this parliament, and through whose assistance the investigation must be conducted, were themselves the worst defaulters; an imprudent word escaping him, and much more a sudden imprisonment or a hasty, perhaps an unsuccessful, attempt at impeachment, would have been the signal for the nobles to fly to their estates and shut themselves up in their feudal castles, where they could have defied every effort of the king to apprehend them; and in this way all his plans might have been defeated or indefinitely protracted, and the country plunged into something approaching to a civil war.

The three estates of the realm having been assembled, certain persons were elected for the determination of the "Articles" to be proposed to them by the king, leave of returning home being given to the other members of the parliament. Committees of parliament had already been introduced by David the Second, on the ground of general convenience, and the anxiety of the barons and landholders to be present on their estates during the time of harvest.[3] From this period to the present time, embracing an interval of more than half a century, the destruction of the records of the parliaments of Robert the Second and Third, and of the government of Albany and his son, renders it impossible to trace the progress of this important change, by which we now find the Lords of the Articles "*certe persone ad articulos*," an acknowledged institution, in the room of the parliamentary committees of David the

[1] Extracta ex Chronicis Scotiæ, MS. fol. 269, 270. Fordun a Goodal, vol. ii. p. 474.

[2] Fordun a Goodal, vol. ii. p. 511.

[3] Acts of the Parliament of Scotland, sub anno 1424, History, supra, vol. i. p. 263.

Second; but it is probable that the king availed himself of this privilege to form a small body of the nobility, clergy and burgesses, of whose fidelity he was secure, and who lent him their assistance in the difficult task upon which he now engaged.

The parliament opened with an enactment commanding all men to honour the Church, declaring that its ministers should enjoy, in all things, their ancient freedom and established privileges, and that no person should dare to hinder the clergy from granting leases of their lands or tithes, under the spiritual censures commonly incurred by such prevention. A proclamation followed, directed against the prevalence of private war and feuds amongst the nobility, enjoining the king's subjects to maintain thenceforward a firm peace throughout the realm, and discharging all barons, under the highest pains of the law, from "moving or making war against each other; from riding through the country with a more numerous following of horse than properly belonged to their estate, or for which, in their progress, due payment was not made to the king's lieges and hostellars. All such riders or gangars," upon complaint being made, were to be apprehended by the officers of the lands where the trespass had been committed, and kept in sure custody till the king declared his pleasure regarding them; and, in order to the due execution of this and other enactments, it was ordained that officers and ministers of the laws should be appointed generally throughout the realm, whose personal estate must be of wealth and sufficiency enough to be proceeded against, in the event of malversation, and from whose vigour and ability the "commons of the land" should be certain of receiving justice.[1]

The penalty of rebellion or treason against the king's person was declared to be the forfeiture of life, lands, and goods, whilst all friends or supporters of rebels were to be punished according to the pleasure of the sovereign. The enactments which followed regarding those troops of sturdy mendicants who traversed the country, extorting charity where it was not speedily bestowed, present us with some curious illustrations of the manners of the times. The king commanded that no companies of such loose and unlicensed persons should be permitted to beg or insist on quarters from any husbandman or Churchman, sojourning in the abbeys or on the farm granges, and devouring the wealth of the country. An exception was made in favour of "royal beggars," with regard to whom it is declared that the king had agreed, by advice of his parliament, that no beggars or "thiggars" be permitted to beg, either in the burgh or throughout the country, between the ages of fourteen and threescore and ten years, unless it be first ascertained by the council of the burgh that they are incapacitated from supporting themselves in any other way. It was directed that they who were thus permitted to support themselves should wear a certain token, to be furnished them by the sheriff, or the alderman and bailies; and that proclamation be made that all beggars having no such tokens do immediately betake themselves to such trades as may enable them to win their own living, under the penalty of burning on the cheek and banishment from the country.[2] It is curious to discern, in this primitive legislative enactment, the first institution of the king's blue-coats or bedesmen, a venerable order of privileged mendicants, whose existence has but ceased within the present century.

During the weak administration of Robert the Second and Third, and still more under the unprincipled government of Albany, the "great customs," or the duties levied throughout the realm upon the exportation or importation of merchandise, had been diminished by various grants to private

[1] Acts of the Parliament of Scotland, vol. ii. p. 2. Statutes of the Realm, Rich. II. vol. ii. pp. 9, 10. Statutes against Bonds or Confederacies.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 2, 8.

persons; and, in addition to this, the crown lands had been shamelessly alienated and dilapidated. It was declared by the parliament that in all time coming the great customs should remain in the hands of the king for the support of his royal estate, and that all persons who made any claim upon such customs should produce to the sovereign the deed or grant upon which such a demand was maintained.[1] With regard to the lands and rents which were formerly in possession of the ancestors of the king, it was provided that special directions should be given to the different sheriffs throughout the realm to make inquiries of the oldest and worthiest officers within their sheriffdom, as to the particular lands or annual rents which belonged to the king, or in former times were in the hands of his royal predecessors, David the Second, Robert the Second, and Robert the Third. In these returns by the sheriffs, the names of the present possessors of these lands were directed to be included, and an inquest was then to be summoned, who, after having examined the proper evidence, were enjoined to return a verdict under their seals, adjudging the property to belong to the crown. To facilitate such measures, it was declared that the king may summon, according to his free will and pleasure, his various tenants and vassals to exhibit their charters and holdings, in order to discover the exact extent of their property.[2]

The next enactment related to a very important subject, the payment of the fifty thousand marks which were due to England, and the deliverance of the hostages who were detained in security. Upon this subject it was ordained that a specific sum should be raised upon the whole lands of the kingdom, including regality lands as well as others, as it would be grievous and heavy upon the commons to raise the whole "*finance*" at once. For this purpose, an aid or donative, expressed in the statute by the old Saxon word a *zelde*, and amounting to the sum of twelve pennies in every pound, was directed to be raised upon all rents, lands, and goods, belonging to lords and barons within their domains, including both corn and cattle. From this valuation, however, all riding horses, draught oxen, and household utensils, were excepted. The burgesses, in like manner, were directed to contribute their share out of their goods and rents. In addition to this donative, the parliament determined that certain taxes should also be raised upon the cattle and the corn, the particulars of which were minutely detailed in the record. As to the tax upon all grain which was then housed, excepting the purveyance of the lords and barons for their own consumption, it was ordained that the boll of wheat should pay two shillings; the boll of rye, bear, and pease, sixteenpence; and the boll of oats, sixpence. With regard to the green corn, all the standing crops were to remain untaxed until brought into the barn. As to cattle, it was determined that a cow and her calf, or quey of two years old, should pay six shillings and eightpence; a draught ox the same; every wedder and ewe, each at the rate of twelve pennies; every goat, gimmer, and dinmont, the same; each wild mare, with her colt of three year old, ten shillings; and lastly, every colt of three years and upwards, a mark.[3]

For the purpose of the just collection of this tax throughout the country, it was directed that every sheriff should within his own sheriffdom summon the barons and freeholders of the king, and by their advice select certain honest and discreet men, who should be ready to abide upon all occasions the scrutiny of the sovereign as to their faithful discharge of their office in the taxation; and to whom the task of making an "Extent," as it was technically called, or, in other words, of drawing up an exact inventory of the property of the country,

[1] See a statute of Richard the Second on the same subject, pp. 41, 42, vol. ii. Statutes of the Realm.

[2] Acts of the Parliament of Scotland, vol. ii. p. 4.

[3] Acts of the Parliament of Scotland, p. 4.

should be committed. These officers, or "*extentours*," are directed to be sworn as to the faithful execution of their office, before the barons of the sheriffdom; they are commanded, in order to insure a more complete investigation, to take with them the parish priest, who is to be enjoined by his bishop to inform them faithfully of all the goods in the parish; and having done so, they are then to mark down the extent in a book furnished for the purpose, in which the special names of every town in the kingdom, and of every person dwelling therein, with the exact amount of their property, was to be particularly enumerated; all which books were to be delivered into the hands of the king's auditors at Perth, upon the 12th day of July next. It is deeply to be regretted that none of these records of the property of the kingdom have reached our time.

It was further declared upon this important subject, that all the lands of the kingdom should be taxed according to their present value, and that the tax upon all goods and gear should be paid in money of the like value with the coin then current in the realm. It was specially enjoined that no one in the kingdom, whether he be of the rank of clerk, baron, or burgess, should be excepted from payment of this tax, and that all should have the money ready to be delivered within fifteen days after the taxation had been struck, the officers employed in its collection being empowered, upon failure, to take payment in kind, a cow being estimated at five shillings; a ewe or wedder, at twelve pence; a goat, gimmer, or dinmont, at eightpence; a three-year-old colt at a mark; a wild mare and her foal at ten shillings; a boll of wheat at twelve pennies; of rye, bear, and pease, at eightpence; and of oats, at threepence.[1] If the lord of the land, where such payment in kind had been taken, chose to advance the sum for his tenants, the sheriffs were commanded to deliver the goods to him; if not, they were to be sold at the next market cross, or sent to the king.

It was next determined by the parliament that the prelates should tax their rents and kirks in the same manner, and at the same rate, as the baron's land; every bishop in each deanery of his diocese being directed to cause his official and dean to summon all his tenants and freeholders before him, and to select tax-gatherers, whose duty it was to "extend" the ecclesiastical lands in the same way as the rest of the property of the country; it being provided, in every instance where a churchman paid the whole value of his benefice, that the fruits of his kirk lands should next year be free from all imposition or exaction. In the taxation of the rents and goods of the burgesses, the sheriff was directed to send a superintendent to see that the tax-gatherers, who were chosen by the aldermen and bailies, executed their duty faithfully and truly; and it was directed that the salary and expenses of the various collectors in baronies, burghs, or church lands, should be respectively determined by the sheriff, aldermen, and prelates, and deducted from the whole amount of the tax, when it was given into the hands of the "auditors" appointed by the king to receive the gross sum, on the 12th day of July, at Perth. The auditors appointed were the Bishops of Dunkeld and Dunblane, the Abbots of Balmerinoch and St Colm's Inch, Mr John Scheves, the Earl of Athole, Sir Patrick Dunbar, William Borthwick, Patrick Ogilvy, James Douglas of Balveny, and William Erskine of Kinnoul. I have been anxious to give the entire details of this scheme of taxation, as it furnishes us with many interesting facts illustrative of the state of property in the country at this early period of its history, and as it is not to be found in the ordinary edition of the Statutes of James the First.

After some severe enactments against the slayers of salmon within the forbidden time, which a posterior statute informs us was in the interval between the feast of the Assumption of Our

[1] Acts of the Parliament of Scotland, vol. ii p. 4.

Lady and the feast of St Andrew in the winter, it was declared that all *yairs and cruves*, (meaning certain mechanical contrivances for the taking of fish by means of wattled traps placed between two walls in the stream of the river,) which have been built in fresh waters where the sea ebbs and flows, should be put down for three years, on account of the destruction of the spawn, or young fry, which they necessarily occasion. This regulation was commanded to be peremptorily enforced, even by those whose charters included a right of "cruve fishing," under the penalty of a hundred shillings; and the ancient regulation regarding the removal of the cruve on Saturday night, known by the name of "Saturday's Slap," as well as the rules which determined the statutory width of the "*hecks*," or wattled interstices, were enjoined to be strictly observed.[1] The extent to which the fisheries had been carried in Scotland, and the object which they formed even to the foreign fishcurers, appeared in the statutory provisions regarding the royal custom imposed upon all herring taken within the realm, being one penny upon every thousand fresh herring sold in the market. Upon every last of herring which were taken by Scottish fishermen and barrelled, a duty of four shillings, and on every last taken by strangers, a duty of six shillings was imposed; whilst, from every thousand red herrings made within the kingdom, a duty of four pennies was to be exacted.[2]

With regard to mines of gold or silver, it was provided that wherever such have been discovered within the lands of any lord or baron, if it can be proved that three half pennies of silver can be produced out of the pound of lead, the mine should, according to the established practice of other realms, belong to the king—a species of property from which there is no evidence that any substantial wealth ever flowed into the royal exchequer. It was enacted that no gold or silver should be permitted to be carried forth of the realm, except it pay a duty of forty pence upon every pound exported; and in the event of any attempt to contravene this provision, the defaulter was to forfeit the whole gold or silver, and to pay a fine of forty-one pennies to the king. It was moreover provided that in every instance where merchant strangers have disposed of their goods for money, they should either expend the same in the purchase of Scottish merchandise, or in the payment of their personal expenses, for proof of which they must bring the evidence of the host of the inn where they made their abode; or, if they wished to carry it out of the realm, they were to pay the duty upon exportation.[3] It was determined that the money in present circulation throughout the realm, which had been greatly depreciated from the original standard, should be called in, and a new coinage issued of like weight and fineness with the money of England.

It having been found that a considerable trade had been carried on in the sale and exportation of oxen, sheep and horses, it was provided, in the same spirit of unenlightened policy which distinguished the whole body of the statutes relative to the commerce of the country, that upon every pound of the price received in such transactions a duty of twelve pennies should be levied by the king. Upon the same erroneous principle, so soon as it was discovered that a considerable trade was carried on in the exportation of the skins of harts and hinds, of martins, fumarts, rabbits, does, roes, otters, and foxes, it was provided that a check should be given to this flourishing branch of trade, by imposing a certain tax or custom upon each of such commodities, in the event of their being purchased for exportation.[4] It appears that many abuses

[1] Acts of the Parliament of Scotland, vol. ii. p. 5.

[2] A last, according to Skene, contains twelve great barrels, or fourteen smaller barrels, pp. 139, 140.

[3] In England, by a statute of Henry IV., merchant strangers were permitted to export one-half of the money received for their manufactures. Statutes of the Realm, vol. ii. p. 122.

[4] Acts of the Parliament of Scotland, vol. ii. p. 6.

had crept into the ecclesiastical state of the country by the frequent purchase of pensions from the Pope, against which practices a special statute was directed, declaring that in all time coming no person should purchase any pension payable out of any benefice, religious or secular, under the penalty of forfeiting the same to the crown; and that no clerk, without an express licence from the king, should either himself pass over the sea, or send procurators for him upon any foreign errand.

A singular and primitive enactment followed regarding rookeries; in which, after a preamble stating the mischief to the corn which was occasioned by rooks building in the trees of kirkyards and orchards, it was provided that the proprietors of such trees should, by every method in their power, prevent the birds from building; and, if this cannot be accomplished, that they at least take special care that the young rooks, or branchers, were not suffered to take wing, under the penalty that all trees upon which the nests are found at Beltane, and from which it can be established, by good evidence, that the young birds have escaped, should be forfeited to the crown, and forthwith cut down, unless redeemed by the proprietor. No man, under a penalty of forty shillings, was to burn muirs from the month of March till the corn be cut down; and if any such defaulter was unable to raise the sum, he was commanded to be imprisoned for forty days.

The great superiority of the English archers has been frequently pointed out in the course of this history; and the importance of introducing a more frequent practice of the long-bow appears to have impressed itself deeply on the mind of the king, who had the best opportunity, under Henry the Fifth, of witnessing its destructive effects during his French campaigns. It was accordingly provided that all the male subjects of the realm, after reaching the age of twelve years, "busk them to be archers;" that is, provide themselves with the usual arms of an archer; and that upon every ten pound land bow-marks be constructed, especially in the vicinity of parish churches, where the people may practice archery, and, at the least, shoot thrice about, under the penalty of paying a wedder to the lord of the land, in the event of neglecting the injunction. To give further encouragement to archery, the pastime of foot-ball, which appears to have been a favourite national game in Scotland, was forbidden, under a severe penalty, in order that the common people might give the whole of their leisure time to the acquisition of a just eye and a steady hand, in the use of the long-bow.[1]

Such is an abstract of the statutory regulations of the first parliament of James; and it is evident that, making allowance for the different circumstances in which the two countries were situated, the most useful provisions, as well as those which imply the deepest ignorance of the true principles of commercial policy, were borrowed from England. Those, for instance, which imposed a penalty upon the exportation of sheep, horses, and cattle; which implied so deep a jealousy of the gold and silver being carried out of the realm; which forbade the riding armed, or with too formidable a band of servants; which encouraged archery; which related to mendicants and vagabonds; to the duties and qualifications of bailies and magistrates; which extended to the privileges of the Church, and forbade the interference of the Pope with the benefices of the realm, are, with a few changes, to be found amongst the statutes of Richard the Second, and the fourth and fifth Henries; and prove that the king, during his long detention in England, had made himself intimately acquainted with the legislative policy of that kingdom.

It admits of little doubt that during the sitting of this parliament James was secretly preparing for those determined measures, by which, eight months afterwards, he effectually crushed the family of Albany, and

1 **Acts of the Parliament of Scotland, vol. ii. pp. 5, 6.**

compelled the fierce nobility, who had so long despised all restraint, to respect the authority of the laws, and tremble before the power of the crown. But in these projects it was necessary to proceed with extreme caution; and the institution of the Lords of the Articles seems to have furnished the king with an instrument well suited for the purpose he had in view, which, without creating alarm, enabled him gradually to mature his plans, and conduct them to a successful issue. Who were the persons selected for this committee it is, unfortunately, impossible to discover; but we may be certain that they enjoyed the confidence of the king, and were prepared to support him to the utmost of their power. With them, after the return of the rest of the most powerful lords and barons to their estates, who, from the warmth and cordiality with which they were received, had little suspicion of the secret measures meditated against them, James prepared and passed into laws many statutes, which, from the proud spirit of his nobles, he knew they would not hesitate to despise and disobey, and thus furnish him with an opportunity to bring the offenders within the power of the laws, which he had determined to enforce to the utmost rigour against them. Amongst the statutes, which were evidently designed to be the future means of coercing his nobility, those which regarded the resumption of the lands of the crown, and the exhibition of the charters by which their estates were held, may be at once recognised; and to these may be added the enactments against the numerous assemblies of armed vassals with which the feudal nobility of the time were accustomed to traverse the country, and bid defiance to the local magistracy.

The loss of many original records, which might have thrown some certain light upon this interesting portion of our history, renders it impossible to trace the various links in the projects of the king. Some prominent facts alone remain; yet from these it is not difficult to discover at least the outline of his proceedings.

He suffered eight months to expire before he convoked that celebrated parliament at Perth, at which he had secretly resolved to exhibit his own strength, and to inflict a signal vengeance upon the powerful family of Albany. During this interval he appears to have gained to his party the whole influence of the clergy, and to have quietly consolidated his own power amongst a portion of the barons. The Earl of Mar, and his son Sir Thomas Stewart, William Lauder, bishop of Glasgow and chancellor, Sir Walter Ogilvy, the treasurer, John Cameron, provost of the Collegiate Church of Lincluden, and private secretary to the king, Sir John Forester of Corstorphine, chamberlain, Sir John Stewart and Sir Robert Lauder of the Bass, Thomas Somerville of Carnwath, and Alexander Levingston of Callander, members of the king's council, were, in all probability, the only persons whom James admitted to his confidence, and intrusted with the execution of his designs;[1] whilst the utmost secrecy appears to have been observed with regard to his ultimate purposes.

Meanwhile Duke Murdoch and his sons, with the Earls of Douglas, March, and Angus, and the most powerful of the nobility, had separated without any suspicion of the blow which was meditated against them; and, once more settled on their own estates, and surrounded by their feudal retainers, soon forgot the statutes which had been so lately enacted; and with that spirit of fierce independence which had been nourished under the government of Albany and his son, dreamt little of producing their charters or giving up the crown lands or rents which they had received, of abridging their feudal state or dismissing their armed followers, or, indeed, of yielding obedience to any part of the laws which interfered with their individual importance and authority. They considered the statutes in

[1] See Hay's MS. Collection of Diplomata, vol. iii. p. 98, for a deed dated 30th December 1424, which gives the members of the king's privy council.

precisely the same light in which there is reason to believe all parliamentary enactments had been regarded in Scotland for a long period before this: as mandates to be obeyed by the lower orders, under the strictest exactions of penalty and forfeitures; and to be attended to by the great and the powerful, provided they suited their own convenience, and did not offer any great violence to their feelings of pride or their possession of power. The weak and feeble government of Robert the Second and Third, with the indulgence to which the aristocracy were accustomed under Albany, had riveted this idea firmly in their minds; and they acted upon it without the suspicion that a monarch might one day be found not only with sagacity to procure the enactment of laws which should level their independence, but with a determination of character, and a command of means, which should enable him to carry these laws into execution.

On being summoned, therefore, by the king to attend a parliament, to be held at Perth on the 12th of March, they obeyed without hesitation; and as the first subject which appears to have been brought before the three estates was the dissemination of the heretical opinions of the Lollards, which began to revive about this time in the country, no alarm was excited, and the business of the parliament proceeded as usual. It was determined that due inquiry should be made by the ministers of the king whether the statutes passed in his former parliament had been obeyed; and, in the event of its being discovered that they had been disregarded, orders were issued for the punishment of the offenders. All leagues or confederacies amongst the king's lieges were strictly forbidden; all assistance afforded to rebels, all false reports, or "leasing-makings," which tended to create discord between the sovereign and his people, were prohibited under the penalty of forfeiting life and lands; and in every instance where the property of the Church was found to have been illegally occupied, restoration was ordered to be made by due process of law.[1]

The parliament had now continued for eight days, and as yet everything went on without disturbance; but on the ninth an extraordinary scene presented itself. Murdoch, the late governor, with Lord Alexander Stewart, his younger son, were suddenly arrested, and immediately afterwards twenty-six of the principal nobles and barons shared the same fate. Amongst these were Archibald, earl of Douglas, William Douglas, earl of Angus, George Dunbar, earl of March, William Hay of Errol, constable of Scotland, Scrymgeour, constable of Dundee, Alexander Lindesay, Adam Hepburn of Hailes, Thomas Hay of Yester, Herbert Maxwell of Caerlaverock, Alexander Ramsay of Dalhousie, Alan Otterburn, secretary to the Duke of Albany, Sir John Montgomery, Sir John Stewart of Dundonald, commonly called the Red Stewart, and thirteen others. During the course of the same year, and a short time previous to this energetic measure, the king had imprisoned Walter, the eldest son of Albany, along with the Earl of Lennox and Sir Robert Graham: a man of a fierce and vindictive disposition, who from that moment vowed the most determined revenge, which he lived to execute in the murder of his sovereign.[2] The heir of Albany was shut up in the strong castle of the Bass, belonging to Sir Robert Lauder, a firm friend of the king; whilst Graham and Lennox were committed to Dunbar; and the Duke of Albany himself confined in the first instance in the castle of St Andrews, and afterwards transferred to that of Caerlaverock. At the same moment, the king took possession of the castles of Falkland, and of the fortified palace of Doune, the favourite residence of Albany.[3] Here he found Isabella, the wife of Albany, a daughter of the Earl of Lennox, whom he immediately committed to the castle

[1] Acts of the Parliament of Scotland, vol. ii. p. 7.

[2] Fordun a Hearne, vol. iv. p. 1269.

[3] Statistical Account of Scotland, vol. xx pp. 57, 60.

of Tantallan; and with a success and a rapidity which can only be accounted for by the supposition of the utmost vigour in the execution of his plans, and a strong military power to overawe all opposition, he possessed himself of the strongest fortresses in the country; and, after adjourning the parliament, to meet within the space of two months at Stirling, upon the 18th of May,[1] he proceeded to adopt measures for inflicting a speedy and dreadful revenge upon the most powerful of his opponents.

In the palace of Stirling, on the 24th of May, a court was held with great pomp and solemnity for the trial of Walter Stewart, the eldest son of the Duke of Albany. The king, sitting on his throne, clothed with the robes and insignia of majesty, with the sceptre in his hand, and wearing the royal crown, presided as supreme judge of his people. The loss of all record of this trial is deeply to be regretted, as it would have thrown light upon an interesting but obscure portion of our history. We know only from an ancient chronicle that the heir of Albany was tried for robbery, "*de roboria.*" The jury was composed of twenty-one of the principal nobles and barons; and it is a remarkable circumstance that amongst their names which have been preserved we find seven of the twenty-six barons whom the king had seized and imprisoned two months before at Perth, when he arrested Albany and his sons. Amongst these seven were the three most powerful lords in the body of the Scottish aristocracy—the Earls of Douglas, March, and Angus; the rest were Sir John de Montgomery, Gilbert Hay of Errol, the constable, Sir Herbert Herries of Terregles, and Sir Robert Cuningham of Kilmaurs.[2] Others who sat upon this jury we know to have been the assured friends of the king, and members of his privy council. These were, Alexander Stewart, earl of Mar, Sir John Forester of Corstorphine, Sir Thomas Somerville of Carnwath, and Sir Alexander Levingston of Callander. It is probable that the seven jurymen above mentioned were persons attached to the party of Albany, and that the intention of the king in their imprisonment was to compel them to renounce all idea of supporting him and to abandon him to his fate. In this result, whatever were the means adopted for its accomplishment, the king succeeded. The trial of Walter Stewart occupied a single day. He was found guilty, and condemned to death. His fate excited a deep feeling of sympathy and compassion in the breasts of the people; for the noble figure and dignified manners of the eldest son of Albany were peculiarly calculated to make him friends amongst the lower classes of the community.

On the following day, Duke Murdoch himself, with his second son, Alexander, and his father-in-law, the Earl of Lennox, were tried before the same jury. What were the crimes alleged against the Earl of Lennox and Alexander Stewart it is now impossible to determine; but it may be conjectured, on strong grounds, that the usurpation of the government and the assumption of supreme authority during the captivity of the king, offences amounting to high treason, constituted the principal charge against the late regent. His father undoubtedly succeeded to the regency by the determination of the three estates assembled in parliament; but there is no evidence that any such decision was passed which sanctioned the high station assumed by the son; and if so, every act of his government was an act of treason, upon which the jury could have no difficulty in pronouncing their verdict. Albany was accordingly found guilty; the same sentence was pronounced upon his son, Alexander Stewart; the Earl of Lennox was next condemned; and these three noble persons were publicly executed on that fatal eminence, before the castle of Stirling, known by the name of the Heading Hill. As the condemnation of Walter Stewart had excited unwonted commiseration amongst the

[1] Fordun a Hearne, vol. iv. p. 1270.
[2] Ibid. pp. 1269-71. See also Extracta ex Chronicis Scotiæ, MS. p. 272.

people, the spectacle now afforded was calculated to raise that feeling to a still higher pitch of distress and compassion. Albany and his two sons were men of almost gigantic stature,[1] and of so noble a presence, that it was impossible to look upon them without an involuntary feeling of admiration; whilst the venerable appearance and white hairs of Lennox, who had reached his eightieth year, inspired a sentiment of tenderness and pity, which, even if they admitted the justice of the sentence, was apt to raise in the bosom of the spectators a disposition to condemn the rapid and unrelenting severity with which it was carried into execution. Even in their days of pride and usurpation, the family of Albany had been the favourites of the people. Its founder, the regent, courted popularity; and although a usurper, and stained with murders, seems in a great measure to have gained his end. It is impossible indeed to reconcile the high eulogium of Bower and Winton[2] with the dark actions of his life; but it is evident, from the tone of these historians, that the severity of James did not carry along with it the feelings of the people. Yet, looking at the state of things in Scotland, it is easy to understand the object of the king. It was his intention to exhibit to a nation, long accustomed to regard the laws with contempt and the royal authority as a name of empty menace, a memorable example of stern and inflexible justice, and to convince them that a great change had already taken place in the executive part of the government.

With this view, another dreadful exhibition followed the execution of the family of Albany. James Stewart, the youngest son of this unfortunate person, was the only member of it who had avoided the arrest of the king, and escaped to the Highlands. Driven to despair by the ruin which threatened his house, he collected a band of armed freebooters, and, assisted by Finlay, bishop of Lismore, and Argyle, his father's chaplain, attacked the burgh of Dumbarton with a fury which nothing could resist. The king's uncle, Sir John of Dundonald, called the Red Stewart, was slain, the town sacked and given to the flames, and thirty men murdered; after which the son of Albany returned to his fastnesses in the north. But so hot was the pursuit which was instituted by the royal vengeance, that he and the ecclesiastical bandit who accompanied him were dislodged from their retreats, and compelled to fly to Ireland.[3] Five of his accomplices, however, were seized, and their execution, which immediately succeeded that of Albany, was unpardonably cruel and disgusting. They were torn to pieces by wild horses, after which their warm and quivering limbs were suspended upon gibbets: a terrible warning to the people of the punishment which awaited those who imagined that the fidelity which impelled them to execute the commands of their feudal lord was superior to the ties which bound them to obey the laws of the country.

These executions were followed by the forfeiture to the crown of the immense estates belonging to Albany and to the Earl of Lennox; a seasonable supply of revenue, which, amid the general plunder to which the royal lands had been exposed, was much wanted to support the dignity of the throne, and in the occupation of a considerable portion of which, there is reason to believe, the king only resumed what had formerly belonged to him. With regard to the conduct of the Bishop of Lismore, James appears to have made complaint to the Pope, who directed a bull, addressed to the Bishops of St Andrews and Dunblane, by which they were empowered to inquire into the treason of the prelate, and other rebels against the king.[4]

[1] Albany and his sons were buried in the church of the Preaching Friars at Stirling, on the south side of the high altar, "figuris et armis eorundem depictis."—Extracta ex Chronicis Scotiæ, MS. p. 272. Fordun a Goodal, vol. ii. p. 483. "Homines giganteæ staturæ."

[2] Fordun a Hearne, p. 1228. Winton, vol. ii. pp. 419, 420. See Illustrations, E.

[3] Fordun a Hearne, vol. iv. p. 1270.

[4] Innes' MS. Chronology, quoted by Chal-

The remaining barons who had been imprisoned at the time of Albany's arrest appear to have been restored to liberty immediately after his execution, and the parliament proceeded to the enactment of several statutes, which exhibit a singular combination of wisdom and ignorance, some being as truly calculated to promote, as others were fitted to retard, the improvement and prosperity of the country. It was ordained that every man of such simple estate as made it reasonable that he should be a labourer or husbandman should either combine with his neighbour to pay half the expense of an ox and a plough, or dig every day a portion of land seven feet in length and six feet in breadth. In every sheriffdom within the realm, "weaponschawings," or an armed muster of the whole fighting men in the county for the purpose of military exercise and an inspection of their weapons, were appointed to be held four times in the course of the year. Symptoms of the decay of the forest and green wood, or perhaps, more correctly speaking, proofs of the improved attention of the nobles to the enclosure of their parks and the ornamental woods around their castles, are to be discerned in the enactment, which declared it to be a part of the duty of the Justice Clerk to make inquiries regarding those defaulters, who steal green wood, or strip the trees of their bark under cover of night, or break into orchards to purloin the fruit; and provided that, where any man found his stolen woods in other lords' lands, it should be lawful for him on the instant to seize both the goods and the thief, and to have him brought to trial in the court of the baron upon whose lands the crime was committed.[1]

With regard to the commerce of the country, some regulations were now passed, dictated by the same jealous spirit which has been already remarked as pervading the whole body of our commercial legislation. It was strictly enjoined that no tallow should be exported out of the country, under the penalty of being forfeited to the king; that no horses were to be carried forth of the realm till they were past the age of three years; and that no merchant was to be permitted to pass the sea for the purposes of trade, unless he either possess in property, or at least in commission, three serplaiths of wool, or the value of such in merchandise, to be determined by an inquest of his neighbours, under a penalty of forty-one pounds to the king, if found guilty of disobeying the law.

Upon the subject of the administration of justice to the people in general, and more especially to such poor and needy persons who could not pay an advocate for conducting their cause, a statute was passed in this parliament which breathes a spirit of enlarged humanity. After declaring that all bills of complaints, which, for divers reasons, affecting the profit of the realm, could not be determined by the parliament, should be brought before the particular judge of the district to which they belong, to whom the king was to give injunction to distribute justice, without fraud or favour, as well to the poor as to the rich, in every part of the realm, it proceeded as follows, in language remarkable for its strength and simplicity:—"And gif thar be ony pur creatur," it observes, "that for defalte of cunnyng or dispens, can nocht, or may nocht folow his caus; the king, for the lufe of God, sall ordane that the juge before quhame the causs suld be determyt purway and get a lele and wyss advocate to folow sic creaturis caus. And gif sic caus be obtenyt, the wrangar sall assythe the party skathit, and ye advocatis costis that travale. And gif the juge refusys to doe the lawe evinly, as is befor saide, ye party plenzeand sall haf recours to ye king, ye quhilk sall sa rigorusly punyst sic jugis, yat it be ane ensampill till all utheris."[2]

mers in his Life of James the First, p. 14, prefixed to the Poetic Remains.

[1] Acts of the Parliament of Scotland, vol. ii. pp. 7. 8.

[2] Acts of the Parliament of Scotland, vol. ii. p. 8.

It was declared to be the intention of the sovereign to grant a remission or pardon of any injury committed upon person or property in the Lowland districts of his dominions, where the defaulter made reparation, or, according to the Scottish phrase, "assythement," to the injured party, and where the extent of the loss had been previously ascertained by a jury of honest and faithful men; but from this rule the Highlands, or northern divisions of the country, were excepted, where, on account of the practice of indiscriminate robbery and murder which had prevailed, previous to the return of the king, it was impossible to ascertain correctly the extent of the depredation, or the amount of the assythement. The condition of his northern dominions, and the character and manners of his Highland subjects, —if indeed they could be called his subjects whose allegiance was of so peculiar and capricious a nature,— had given birth to many anxious thoughts in the king, and led not long after this to a personal visit to these remote regions, which formed an interesting episode in his reign.

The only remaining matter of importance which came under the consideration of this parliament was the growth of heresy, a subject which, in its connexion as with the first feeble dawnings of reformation, is peculiarly interesting and worthy of attention. It was directed that every bishop within his diocese should make inquisition of all Lollards and heretics, where such were to be found, in order that they be punished according to the laws of the holy Catholic Church, and that the civil power be called in for the support of the ecclesiastical, if required.[1] Eighteen years had now elapsed since John Resby, a follower of the great Wickliff, was burnt at Perth. It was then known that his preaching, and the little treatises which he or his disciples had disseminated through the country, had made a deep impression; and the ancient historian who informs us of the circumstance observes that, even in his own day, these same books and conclusions were secretly preserved by some unhappy persons under the instigation of the devil, and upon the principle that stolen waters are sweet.[2]

There can be no doubt that at this period the consciences of not a few in the country were alarmed as to the foundations of a faith upon which they had hitherto relied, and that they began to judge and reason for themselves upon a subject of all others the most important which can occupy the human mind,—the grounds of a sinner's pardon and acceptance with God. An under-current of reformation, which the Church denominated heresy, was beginning gradually to sap the foundations upon which the ancient Papal fabric had been hitherto securely resting; and the Scottish clergy, alarmed at the symptoms of spiritual rebellion, and possessing great influence over the mind of the monarch, prevailed upon him to interpose the authority of a legislative enactment, to discountenance the growth of the new opinions, and to confirm and follow up the efforts of the Church, by the strength and terror of the secular arm. The education of James in England, under the direction of two monarchs, who had sullied their reign by the cruel persecution of the followers of Wickliff, was little calculated to open his mind to the convictions of truth, or to the principles of toleration; and at this moment he owed so much to the clergy, and was so engrossed with his efforts for the consolidation of the royal power, that he could neither refuse their request nor inquire into the circumstances under which it was preferred. The statute, therefore, against Lollards and heretics was passed; the symptoms of rebellion, which ought to have stimulated the clergy to greater zeal, purity, and usefulness, were put down by a strong hand; and the reformation was retarded only to become more resistless at the last.

In the destruction of our national

[1] Acts of the Parliament of Scotland, vol. ii. pp. 7, 8.

[2] Fordun a Hearne, vol. iv. p. 1169.

records many links in the history of this remarkable parliament have been lost; but the success with which the king conducted this overthrow of the house of Albany certainly gives us a high idea of his ability and courage; and in the great outlines enough has been left to convince us that the undertaking was of a nature the most delicate and dangerous which could have presented itself to a monarch recently seated on a precarious throne, surrounded by a fierce nobility, to whom he was almost a stranger, and the most powerful of whom were connected by blood or by marriage with the ancient house whose destruction he meditated. The example indeed was terrible; the scaffold was flooded with royal and noble blood; and it is impossible not to experience a feeling of sorrow and indignation at the cruel and unrelenting severity of James. It seems as if his rage and mortification at the escape of his uncle, the prime offender, was but imperfectly satisfied with the punishment of the feeble Murdoch; and that his deep revenge almost delighted to glut itself in the extermination of every scion of that unfortunate house. But to form a just opinion, indeed, of the conduct of the king, we must not forget the galling circumstances in which he was situated. Deprived for nineteen years of his paternal kingdom by a system of unprincipled usurpation; living almost within sight of his throne, yet unable to reach it; feeling his royal spirit strong within him, but detained and dragged back by the successful and selfish intrigues of Albany, it is not surprising that when he did at last escape from his bonds his rage should be that of the chafed lion who has broken the toils, and that the principle of revenge, in those dark days esteemed as much a duty as a pleasure, should mingle itself with his more cool determination to inflict punishment upon his enemies.

But laying individual feelings aside, the barbarism of the times, and the precarious state in which he found the government, compelled James to adopt strong measures. Nothing but an example of speedy and inflexible severity could have made an impression upon the iron-nerved and ferocious nobles, whose passions, under the government of the house of Albany, had been nursed up into a state of reckless indulgence, and a contempt of all legitimate authority; and there seems reason to believe that the conduct pursued by the king was deemed by him absolutely necessary to consolidate his own power, and enable him to carry into effect his ultimate designs for promoting the interests of the country. Immediately after the conclusion of the parliament, James despatched Lord Montgomery of Eliotston, and Sir Humphrey Cunningham, to seize the castle of Lochlomond,[1] the property of Sir James Stewart, the youngest son of Albany, who had fled to Ireland along with his father's chaplain, the Bishop of Lismore. Such was the terror inspired by the severity of James, that this fierce youth never afterwards returned, but died in banishment; so that the ruin of the house of Albany appeared to be complete.

In the course of the preceding year the queen had brought into the world a daughter, her first-born, who was baptized by the name of Margaret; and, as the policy of France led those who then ruled in her councils to esteem the alliance of Scotland of great importance in her protracted struggle with England, it was determined to negotiate a marriage between Louis of Anjou, the heir to the throne, and the infant princess. In that kingdom the affairs of Charles the Seventh were still in a precarious situation. Although the great military genius of Henry the Fifth no longer directed and animated the operations of the campaign, yet, under the Duke of Bedford, who had been appointed Regent of France, fortune still favoured the arms of the invaders; and the successive defeats of Crevant and Verneuil, in which the auxiliary forces of the Scots were almost entirely cut to

[1] "In the south end of the island Inchmurin, the ancient family of Lennox had a castle, but it is now in ruins." This is probably the castle alluded to, Stat. Acct. vol. ix. p. 16. Extracta ex Chronicis Scotiæ, fol. 273.

pieces, had lent a vigour and confidence to the councils and conduct of the English, and imparted a proportionable despondency to the French, which seemed to augur a fatal result to the efforts of that brave people. It became necessary, therefore, to court every alliance from which effectual assistance might be expected; and the army of seven thousand Scottish men-at-arms, which had passed over under the command of the Earls of Buchan and Wigtown in 1420, with the additional auxiliary force which the Earl of Douglas led to join the army of Charles the Seventh, convinced that monarch that the assistance of Scotland was an object, to attain which no efforts should be spared. Accordingly Stewart of Darnley, Lord of Aubigny and Constable of the Scottish army in France, along with the Archbishop of Rheims, the first prelate in the realm, were despatched in 1425 upon an embassy to negotiate the marriage between Margaret of Scotland and Louis the Dauphin, and to renew the ancient league which had so long connected the two countries with each other.[1]

James received the ambassadors with great distinction, agreed to the proposed alliance, and despatched Leighton, bishop of Aberdeen, with Lauder, archdeacon of Lothian, and Sir Patrick Ogilvy, justiciar of Scotland, to return his answer to the Court of France. It was determined that in five years the parties should be betrothed, after which the Scottish princess was to be conveyed with all honour to her royal consort. About the same time the king appears to have sent ambassadors to the Court of Rome, but it is difficult to discover whether they merely conveyed those general expressions of spiritual allegiance which it was usual for sovereigns to transmit to the Holy See after their coronation, or related to matters more intimately affecting the ecclesiastical state of the kingdom. If we may judge from the numbers and dignity of the envoys, the communication was one of importance, and may, perhaps, have related to those measures for the extirpation of heresy which we have seen occupying the attention of the legislature under James's second parliament. It was a principle of this enterprising monarch, in his schemes for the recovery and consolidation of his own power, to cultivate the friendship of the clergy, whom he regarded as a counterpoise to the nobles; and with this view he issued a commission to Leighton, the bishop of Aberdeen, authorising him to resume all alienations of the lands of the Church which had been made during the regencies of the two Albanies, commanding his justiciars and officers of the law to assist in all proper measures for the recovery of the property which had been lost, and conferring upon the prelate the power of anathema in case of resistance.[2]

During the same year there arrived in Scotland an embassy from the States of Flanders, upon a subject of great commercial importance. It appears that the Flemings, as allies of England, had committed hostilities against the Scottish merchants during the captivity of the king, which had induced him to order the staple of the Scottish commerce in the Netherlands to be removed to Middelburgh in Zealand. The measure had been attended with much loss to the Flemish traders; and the object of the embassy was to solicit the return of the trade. The king, who at the period of its arrival was engaged in keeping his birthday, surrounded by his barons, at St Andrews, received the Flemish envoys with distinction; and, aware of the importance of encouraging the commercial enterprise of his people, seized the opportunity of procuring more ample privileges for the Scottish merchants in Flanders, in return for which he agreed that the staple should be restored.[3]

At this period, besides the wealthy citizens and burghers who adopted commerce as a profession, it was not uncommon for the richer nobles and

[1] Fordun a Goodal, vol. ii. p. 484.

[2] MS. in Harleian Coll. quoted in Pinkerton's History, vol. i. p. 116.

[3] Fordun a Goodal, vol. ii. pp. 487, 509.

gentry, and even for the sovereign, to embark in mercantile adventures. In 1408 the Earl of Douglas freighted a vessel, with one or two supercargoes, and a crew of twenty mariners, to trade in Normandy and Rochelle; in the succeeding year the Duke of Albany was the proprietor of a vessel which carried six hundred quarters of malt, and was navigated by a master and twenty-four sailors; and at a still later period a vessel, the *Mary* of Leith, obtained a safe-conduct from the English monarch to unship her cargo, which belonged to his dear cousin James, the King of Scotland, in the port of London, and expose the merchandise to sale.[1] At the same time the Lombards, esteemed perhaps the most wealthy and enterprising merchants in Europe, continued to carry on a lucrative trade with Scotland; and one of their large carracks, which, compared with the smaller craft of the English and Scottish merchants, is distinguished by the contemporary chronicler as an "enormous vessel," *navis immanissima*, was wrecked by a sudden storm in the Firth of Forth. The gale was accompanied by a high spring-tide, against which the mariners of Italy, accustomed to the Mediterranean navigation, had taken no precautions; so that the ship was driven from her anchors and cast ashore at Granton, about three miles above Leith.[2]

The tax of twelve pennies upon every pound of rent, and other branches of income, which was directed to be levied in the first parliament held at Perth after the king's return, has been already mentioned. The sum to be thus collected was destined for the payment of the arrears which the king had become bound to advance to England, as the amount of expense incurred by his maintenance during his captivity; and it appears by the account of Walter Bower, the continuator of Fordun, who was himself one of the commissioners for this taxation, that during the first year it amounted to fourteen thousand marks; which would give nearly two hundred and eighty thousand marks, or about three millions of modern sterling money, as the annual income of the people of Scotland in 1424.

It must be recollected, however, that this does not include the lands and cattle employed by landholders in their own husbandry, which were particularly excepted in the collection. The tax itself was an innovation; and in the second year the zeal of the people cooled; they openly murmured against the universal impoverishment it occasioned; and the collection was far less productive. In those primitive times, all taxes, except in customs, which became a part of the apparent price of the goods on which they were charged, were wholly unknown in Scotland. The people were accustomed to see the king support his dignity, and discharge his debts, by the revenues of the crown lands, which, previous to the late dilapidations, were amply sufficient for that purpose; and with equal prudence and generosity, although supported by a resolution of the three estates, James declined to avail himself of this invidious mode of increasing his revenue, and gave orders that no further efforts should be made to levy the imposition.[3]

Upon the 11th of March 1425, the king convoked his third parliament at Perth, and the institution of the Lords of the Articles appears to have been fully established. The various subjects upon which the decision of the great council was requested were declared to be submitted by the sovereign to the determination of certain persons to be chosen by the three estates from the prelates, earls, and barons then assembled; and the legislative enactments which resulted from their deliberations convey to us an animated and instructive picture of the condition of the country. After the usual declaration, that the holy

[1] Rotuli Scotiæ, vol. ii. p. 257. Ibid. 1st Sept. 9 Henry IV., p. 187. 2d Dec. 11 Henry IV., p. 193.

[2] Fordun a Goodal, vol. ii. p. 487.

[3] Fordun a Goodal, vol. ii. p. 482. M'Pherson's Annals of Commerce, vol. i. p. 640.

Catholic Church and its ministers should continue to enjoy their ancient privileges, and be permitted without hindrance to grant leases of their lands, or of their teinds, there follows a series of regulations and improvements, both as to the laws themselves and the manner of their administration, which are well worthy of attention.

It was first announced that all the subjects of the realm must be governed by the statutes passed in parliament, and not by any particular laws, or any spiritual privileges or customs of other countries; and a new court, known by the name of the SESSION, was instituted for the administration of justice to the people. It was declared that the king, with the consent of his parliament, had ordained that his chancellor, and along with him certain discreet persons of the three estates, who were to be chosen and deputed by himself, should, from this day forth, sit three times in the year, at whatever place the sovereign may appoint them, for the examination and decision of all causes and quarrels which may be determined before the king's council; and that these judges should have their expenses paid by the parties against whom the decision was given out of the fines of court, or otherwise as the monarch may determine. The first session of this new court was appointed to be held the day after the feast of St Michael the Archangel, or on the 30th of September; the second on the Monday of the first week of Lent; and the third on the morning preceding the feast of St John the Baptist.[1]

A Register was next appointed, in which a record was to be kept of all charters and infeftments, as well as of all letters of protection, or confirmations of ancient rights or privileges, which, since the king's return, had been granted to any individuals; and, within four months after the passing of this act, all such charters were to be produced by the parties to whom they have been granted, and regularly marked in the book of record. Any person who was a judge or officer of justice within the realm, or any person who had prosecuted and summoned another to stand his trial, was forbidden, under a penalty of ten pounds, to sit upon his jury; and none were to be allowed to practise as attorneys in the justice-ayres, or courts held by the king's justiciars, or their deputies, who were not known to the justice and the barons as persons of sufficient learning and discretion. Six wise and able men, best acquainted with the laws, were directed to be chosen from each of the three estates, to whom was committed the examination of the books of the law, that is to say, "Regiam Majestatem," and "Quoniam Attachiamenta;" and these persons were directed by parliament, in language which marked the simple legislation of the times, "to mend the lawis that needis mendying," to reconcile all contradictory, and explain all obscure enactments, so that henceforth fraud and cunning may assist no man in obtaining an unjust judgment against his neighbour.[2]

One of the greatest difficulties which at this early period stood in the way of all improvement introduced by parliamentary regulations was the slowness with which these regulations were communicated to the more distant districts of the country; and the extreme ignorance of the laws which subsisted, not only amongst the subjects of the realm and the inferior ministers of justice, but even amongst the nobles and barons, who, living in their own castles in remote situations, rude and illiterate in their habits, and bigoted in their attachment to those ancient institutions under which they had so long tyrannised over their vassals, were little anxious to become acquainted with new laws; and frequently, when they did penetrate so far, pretended ignorance, as a cover for their disobedience. To obviate, as far as possible, this evil, it was directed by the parliament that all statutes and ordinances made prior to this should be

[1] Acts of the Parliament of Scotland, vol. ii. p. 11.

[2] Acts of the Parliament of Scotland, vol. ii. p. 11.

first transcribed in the king's register, and afterwards that copies of them should be given to the different sheriffs in the country. The sheriffs were then strictly enjoined to publish and proclaim these statutes in the chief and most notable places in the sheriffdom, and to distribute copies of them to prelates, barons, and burghs of bailiery, the expense being paid by those who made the application. They were commanded, under the penalty of being deprived of their office, to cause all acts of the legislature to be observed throughout their county, and to inculcate upon the people, whether burghers or landholders, obedience to the provisions made by their sovereign since his return from England; so that, in time coming, no man should have cause to pretend ignorance of the laws.[1]

The defence of the country was another subject which came before this parliament. It was provided that all merchants of the realm passing beyond seas should, along with their usual cargoes, bring home such a supply of harness and armour as could be stowed in the vessel, besides spears, spear-shafts, bows, and bow-strings; nor was this to be omitted upon any of their voyages. Particular injunctions were added with regard to the regulation of "*weaponschawings*," or the annual county musters for the inspection of arms, and the encouragement of warlike exercises. Every sheriff was directed to hold them four times in the year within his county, upon which occasion it was his duty to see that every gentleman, having ten pounds value in land, should be sufficiently harnessed and armed with steel basnet, leg-harness, sword, spear, and dagger, and that all gentlemen of less property should be armed according to their estate. All yeomen of the realm, between the ages of sixteen and sixty, were directed to be provided with bows and a sheaf of arrows. With regard to the burghs, it was appointed that the weaponschawing should be held within them also, four times during the year, that all their inhabitants should be well armed, and that the aldermen and the bailies were to be held responsible for the due observance of this regulation; whilst certain penalties were inflicted on all gentlemen and yeomen who may be found transgressing these enactments.[2]

The regulations relating to the commercial prosperity of the country, and its intercourse with other nations, manifest the same jealousy and ignorance of the true prosperity of the realm which influenced the deliberations of the former parliaments. Taxes were repeated upon the exportation of money, compulsory regulations promulgated against foreign merchants, by which they were compelled to lay out the money which they received for their commodities upon the purchase of Scottish merchandise, directions were given to the sheriffs and other ministers of the law, upon the coasts opposite to Ireland, to prevent all ships and galleys from sailing to that country without special licence of the king's deputes, to be appointed for this purpose in every seaport; no merchant or shipman was to be allowed to give to any Irish subject a passage into Scotland, unless such stranger could shew a letter or passport from the lord of the land from whence he came declaring the business for which he desired to enter the realm; and all such persons, previous to their being allowed to land, were to be examined by the king's deputy of the seaport where the ship had weighed anchor, so that it might be discovered whether the business they had in hand were to the profit or the prejudice of the king and his estate. These strict enactments were declared to proceed from no desire to break or interrupt the good understanding which had been long maintained between the King of Scotland "and his gud aulde frendis the Erschry of Irelande;" but because at that time the open rebels of the king had taken refuge in that country, and the welfare and safety of

[1] Acts of the Parliament of Scotland, vol. ii. p. 11.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 9, 10.

the realm might be endangered by all such unrestrained intercourse as should give them an opportunity of plotting with their friends, or afford facilities to the Irish of becoming acquainted with the private affairs of the government of Scotland.[1]

A quaint and amusing provision was introduced in this parliament, which is entitled, "Anent hostillaris in villagis and burowyis." It informs us that hostlers or innkeepers had made grievous complaints to the king against a villanous practice of his lieges, who, in travelling from one part of the country to another, were in the habit of taking up their residence with their acquaintances and friends, instead of going to the regular inns and hostelries, whereupon the sovereign, with counsel and consent of the three estates, prohibited all travellers on foot or horseback from rendezvousing at any station except the established hostelry of the burgh or village; and interdicted all burgesses or villagers from extending to them their hospitality, under the penalty of forty shillings. The higher ranks of the nobles and the gentry would, however, have considered this as an infringement upon their liberty, and it was accordingly declared that all persons whose estate permitted them to travel with a large retinue in company might quarter themselves upon their friends, under the condition that they sent their attendants and horses to be lodged at the common hostelries.[2]

The remaining enactments of this parliament related to the regulation of the weights and measures, and to the appointment of an established standard to be used throughout the realm; to the obligation of all barons or freeholders to attend the parliament in person; to the offering up of regular prayers and collects by all priests, religious and secular, throughout the kingdom, for the health and prosperity of the king, his royal consort, and their children; and, lastly, to the apprehension of all stout, idle vagabonds, who possess the ability but not the inclination to labour for their own living. These were to be apprehended by the sheriff, and compelled within forty days to bind themselves to some lawful craft, so that they should no longer devour and trouble the country. The regulation of the standard size of the boll, firlot, half firlot, peck, and gallon, which were to be used throughout the kingdom, was referred to the next parliament, whilst it was declared that the water measures then in use should continue the same; that with regard to weights there should be made a standard stone, which was to weigh exactly fifteen legal troy pounds, but to be divided into sixteen Scots pounds, and that according to this standard weights should be made, and used by all buyers and sellers throughout the realm.

James had already increased the strength and prosperity of his kingdom by various foreign treaties of alliance and commercial intercourse. He was at peace with England; the ancient ties between France and Scotland were about to be more firmly drawn together by the projected marriage between his daughter and the Dauphin; he had re-established his amicable relations with Flanders; and the court of Rome, flattered by his zeal against heresy, and his devotedness to the Church, was disposed to support him with all its influence. To complete these friendly relations with foreign powers, he now concluded by his ambassadors, William, lord Crichton, his chamberlain, and William Fowlis, provost of the collegiate church of Bothwell, his almoner, a treaty with Eric, king of Denmark, Norway, and Sweden, in which the ancient alliances entered into between Alexander the Third, Robert the First, and the princes who in their days occupied the northern throne, were ratified and confirmed; mutual freedom of trade agreed upon, saving the peculiar rights and customs of both kingdoms; and all damages, transgressions, and defaults on either side cancelled and forgiven. James also consented to continue the annual payment of a hundred

[1] Acts of the Parliament of Scotland, vol. ii. p. 11.

[2] Ibid. vol. ii. p. 10.

marks for the sovereignty of the little kingdom of Man and the Western Isles, which Alexander the Third had purchased in 1266 for the sum of four thousand marks.[1] Their allegiance, indeed, was of a precarious nature, and for a long time previous to this the nominal possession of the Isles, instead of an acquisition of strength and revenue, had proved a thorn in the side of the country; but the king, with that firmness and decision of character for which he was remarkable, had now determined, by an expedition conducted in person, to reduce within the control of the laws the northern parts of his dominions, and confidently looked forward to the time when these islands would be esteemed an acquisition of no common importance.

Meanwhile he prepared to carry his schemes into execution. Having summoned his parliament to meet him at Inverness, he proceeded, surrounded by his principal nobles and barons, and at the head of a force which rendered all resistance unavailing, to establish his residence for a season in the heart of his northern dominions.[2] It was their gloomy castles and almost inaccessible fastnesses which had given refuge to those fierce and independent chiefs who neither desired his friendship nor deprecated his resentment, and who were now destined at last to experience the same unrelenting severity which had fallen upon the house of Albany. At this period the condition of the Highlands, so far as it is discoverable from the few authentic documents which have reached our times, appears to have been in the highest degree rude and uncivilised. There existed a singular combination of Celtic and of feudal manners. Powerful chiefs of Norman name and Norman blood had penetrated into the remotest districts, and ruled over multitudes of vassals and serfs whose strange and uncouth appellatives proclaim their difference of race in the most convincing manner.[3] The tenure of lands by charter and seisin, the feudal services due by the vassal to his lord, the bands of friendship or of manrent which indissolubly united certain chiefs and nobles to each other, the baronial courts, and the complicated official pomp of feudal life, were all to be found in full strength and operation in the northern counties; but the dependence of the barons, who had taken up their residence in these wild districts, upon the king, and their allegiance and subordination to the laws, were far less intimate and influential than in the Lowland divisions of the country; and as they experienced less protection, we have already seen that in great public emergencies, when the captivity of the sovereign, or the payment of his ransom, called for the imposition of a tax upon property throughout the kingdom, these great northern chiefs thought themselves at liberty to resist its collection within their mountainous principalities.[4]

Besides such Scoto-Norman barons, however, there were to be found in the Highlands and the Isles those fierce aboriginal chiefs who hated the Saxon and the Norman race, and offered a mortal opposition to the settlement of all intruders within a country which they considered their own. They exercised the same authority over the various clans or septs of which they were the heads or leaders which the baron possessed over his vassals and their military followers; and the dreadful disputes and collisions which perpetually occurred between these distinct ranks of potentates were accompanied by spoliations, ravages, imprisonments, and murders, which had at last become so frequent and so far extended that the whole country beyond the Grampian range was likely to be cut off by these abuses from all regular communication with the more pacific parts of the kingdom.

This state of things called loudly for redress, and the measures of the king on reaching Inverness were of a prompt and determined character. He summoned the most powerful

[1] Fordun a Hearne, vol. iv. pp. 1355, 1358.
[2] Fordun a Goodal, vol. ii. p. 488.
[3] MS. Adv. Lib. Coll. Diplom. a Macfarlane, vol. i. p. 245. MS. Cart. Moray, p. 263. See Illustrations, F.
[4] History, supra, vol. i. pp. 227, 228.

chiefs to attend his parliament, and this command, however extraordinary it may appear, these ferocious leaders did not think proper to disobey. It may be that he employed stratagem, and held out the prospect of pardon and reconciliation; or perhaps a dreadful example of immediate execution in the event of resistance may have persuaded the Highland nobles that obedience gave them a chance for their lives, whilst a refusal left them no hope of escape. But by whatever method their attendance was secured, they soon bitterly repented their facility, for instantly on entering the hall of parliament they were arrested, ironed, and cast into separate prisons, where all communication with each other or with their followers was impossible. So overjoyed was James at the success of his plan, and the apparent readiness with which these fierce leaders seemed to rush into the toils which had been prepared for them, that Bower described him as turning triumphantly to his courtiers whilst they tied the hands of the captives, and reciting some leonine or monkish rhymes, applauding the skill exhibited in their arrest, and the deserved death which awaited them. Upon this occasion forty greater and lesser chiefs were seized, but the names of the highest only have been preserved,—Alexander of the Isles; Angus Dow, with his four sons, who could bring into the field four thousand men from Strathnaver; Kenneth More, with his son-in-law, Angus of Moray and Makmathan, who could command a sept of two thousand strong; Alexander Makreiny of Garmoran, and John Macarthur, a potent chief, each of whom could muster a thousand men; along with John Ross, William Lesley, and James Campbell, are those enumerated by our contemporary historian, whilst the Countess of Ross, the mother of Alexander of the Isles, and heiress of Sir Walter Lesley, a rich and potent baron, was apprehended at the same time, and compelled to share the captivity of her son.[1]

[1] Fordun a Hearne, vol. iv. pp. 1283, 1284

Some of these, whose crimes had rendered them especially obnoxious, the king ordered to immediate execution. James Campbell was tried, convicted, and hanged for his murder of John of the Isles; Alexander Makreiny and John Macarthur were beheaded, and their fellow-captives dispersed and confined in different prisons throughout the kingdom. Of these not a few were afterwards condemned and executed, whilst the rest, against whom nothing very flagrant could be proved, were suffered to escape with their lives. By some this clemency was speedily abused, and by none more than the most powerful and ambitious of them all, Alexander of the Isles.

This ocean lord, half prince and half pirate, had shewn himself willing, upon all occasions, to embrace the friendship of England, and to shake himself loose of all dependence upon his sovereign; whilst the immense body of vassals whom he could muster under his banner, and the powerful fleet with which he could sweep the northern seas, rendered his alliance or his enmity a matter of no inconsiderable consequence. After a short confinement, the king, moved, perhaps, by his descent from the ancient family of Lesley, a house of high and hereditary loyalty, restored him to liberty, after an admonition to change the evil courses to which he had been addicted, and to evince his gratitude by a life of consistent attachment to the throne. Alexander, however, after having recovered his liberty, only waited to see the king returned to his Lowland dominions, and then broke out into a paroxysm of fury and revenge. He collected the whole strength of Ross and of the Isles, and, at the head of an army of ten thousand men, grievously wasted the country, directing his principal vengeance against the crown lands, and concluding his campaign by razing to the ground the royal burgh of Inverness.[2]

James, however, with an activity for which his enemy was little prepared, instantly collected a feudal force, and

[2] Fordun a Hearne, vol. iv p. 1285.

flew, rather than marched, to the Highlands, where, in Lochaber, he came up with the fierce but confused and undisciplined army of the island chief. Although his army was probably far inferior in numbers, yet the sudden appearance of the royal banner, the boldness with which he confronted his enemy, and the terror of the king's name, gave him all the advantage of a surprise; and before the battle began Alexander found himself deserted by the clan Chattan and the clan Cameron, who to a man went over to the royal army. It is deeply to be regretted that the account of this expedition should be so meagre, even in Bower, who was a contemporary. All those particular details, which would have given interest to the story, and individuality to the character of the persons who acted in it, and which a little pains might have then preserved, are now irrecoverably lost. We know only that the Lord of the Isles, with his chieftains and ketherans, was completely routed, and so hotly pursued by the king that he sent an embassy to sue for peace. This presumption greatly incensed the monarch; he derided the idea of an outlaw, who knew not where to rest the sole of his foot, and whom his soldiers were then hunting from one retreat to another, arrogating to himself the dignity of an independent prince, and attempting to open a correspondence by his ambassadors; and sternly and scornfully refusing to enter into any negotiation, returned to his capital, after giving strict orders to his officers to exert every effort for his apprehension.

Driven to despair, and finding it every day more difficult to elude the vigilance which was exerted, Alexander resolved at last to throw himself upon the royal mercy. Having privately travelled to Edinburgh, this proud chief, who had claimed an equality with kings, condescended to an unheard-of humiliation. Upon a solemn festival, when the monarch and his queen, attended by their suite, and surrounded by the nobles of the court, stood in front of the high altar in the church of Holyrood, a miserable-looking man, clothed only in his shirt and drawers, holding a naked sword in his hand, and with a countenance and manner in which grief and destitution were strongly exhibited, suddenly presented himself before them. It was the Lord of the Isles, who fell upon his knees, and delivering up his sword to the king, implored his clemency. James granted him his life, but instantly imprisoned him in Tantallan castle, under the charge of William, earl of Angus, his nephew. His mother, the Countess of Ross, was committed to close confinement in the ancient monastery of Inchcolm, situated in an island in the Firth of Forth.[1] She was released, however, after little more than a year's imprisonment; and the island lord himself soon after experienced the royal favour, and was restored to his lands and possessions.

This unbending severity, which in some instances approached the very borders of cruelty, was, perhaps, a necessary ingredient in the character of a monarch who, when he ascended the throne, found his kingdom, to use the expressive language of an ancient chronicle,[2] little else than a wide den of robbers. Two anecdotes of this period have been preserved by Bower, the faithful contemporary historian of the times, which illustrate in a striking manner both the character of the king and the condition of the country. In the Highland districts, one of those ferocious chieftains against whom the king had directed an act of Parliament, already quoted, had broken in upon a poor cottager, and carried off two of her cows. Such was the unlicensed state of the country, that the robber walked abroad, and was loudly accused by the aggrieved party, who swore that she would never put off her shoes again till she had carried her complaint to the king in person. "It is false," cried he; "I'll have you shod myself before you reach the court;" and with a brutality scarcely credible, the monster carried his threat into

[1] Fordun a Hearne, vol. iv. p. 1286.

[2] MS Chronicon ab anno 1390 ad annum 1402. Cartulary of Moray, p. 220.

execution, by fixing with nails driven into the flesh two horse shoes of iron upon her naked feet, after which he thrust her wounded and bleeding on the highway. Some humane persons took pity on her; and, when cured, she retained her original purpose, sought out the king, told her story, and shewed her feet, still seamed and scarred by the inhuman treatment she had received. James heard her with that mixture of pity, kindness, and uncontrollable indignation which marked his character; and having instantly directed his writs to the sheriff of the county where the robber chief resided, had him seized within a short time, and sent to Perth, where the court was then held. He was instantly tried and condemned; a linen shirt was thrown over him, upon which was painted a rude representation of his crime; and, after being paraded in this ignominious dress through the streets of the town, he was dragged at a horse's tail, and hanged on a gallows.[1] Such examples, there can be little doubt, had an excellent effect upon the fierce classes, for a warning to whom they were intended, and caused them to associate a degree of terror with the name of the king; which accounts in some measure for the promptitude of their obedience when he arrived among them in person.

The other story to which I have alluded is almost equally characteristic. A noble of high rank, and nearly related to the king, having quarrelled with another baron in presence of the monarch and his court, so far forgot himself, that he struck his adversary on the face. James instantly had him seized, and ordered him to stretch out his hand upon the council table; he then unsheathed the short cutlass which he carried at his girdle, gave it to the baron who received the blow, and commanded him to strike off the hand which had insulted his honour and was forfeited to the laws, threatening him with death if he refused. There is little doubt, from what we know of the character of this prince, that he was in earnest; but a thrill of horror ran through the court, his prelates and council reminded him of the duty of forgiveness, and the queen, who was present, fell at his feet, implored pardon for the guilty, and at last obtained a remission of the sentence. The offender, however, was instantly banished from court.[2]

One of the most remarkable features in the government of this prince was the frequent recurrence of his parliaments. From the period of his return from England till his death, his reign embraced only thirteen years; and in that time the great council of the nation was thirteen times assembled. His object was evidently to render the higher nobles more dependent upon the crown, to break down that dangerous spirit of pride and individual consequence which confined them to their separate principalities, and taught them, for year after year, to tyrannise over their unhappy vassals, without the dread of a superior, or the restraint even of an equal, to accustom them to the spectacle of the laws, proceeding not from their individual caprice or authority, but from the collective wisdom of the three estates, sanctioned by the consent, and carried into execution by the power, of the crown acting through its ministers.

In a parliament, of which the principal provisions have been already noticed, it had been made incumbent upon all earls, barons, and freeholders to attend the meeting of the estates in person; and the practice of sending procurators or attorneys in their place, which, there seems reason to believe, had become not unfrequent, was strictly forbidden, unless due cause of absence be proved. In two subsequent meetings of the great council of the nation, the first of which appears to have been held at Perth on the 30th of September 1426, and the second on the 1st of July 1427, some important enactments occur, which evince the unwearied attention of the king to the manufactures, the commerce, the agriculture of his dominions, and to the speedy and impartial administration

[1] Fordun a Goodal, vol. ii. p. 510.

[2] Fordun a Hearne, vol. iv. pp. 1334, 1335.

of justice to all classes of his subjects.[1] It is evident, from the tenor of a series of regulations concerning the deacons of the trades, or crafts, that the government of James, probably from its extreme firmness and severity, had already become unpopular. It was first commanded that the deacons of the crafts should confine themselves strictly and simply to their duties of ascertaining, by an inspection every fifteen days, whether the workmen be sufficiently expert in their business, but it was added that they should have no authority to alter the laws of the craft, or to punish those who have offended against them; and in the parliament of 1427 it was declared that the provisions regarding the appointment of deacons of the crafts within the royal burghs having been found productive of grievous injury to the realm, were henceforth annulled; that no deacon be permitted after this to be elected, whilst those already chosen to fill this office were prohibited from exercising their functions, or holding their usual meetings, which had led to conspiracies.[2] It is possible, however, that these conspiracies may have been combinations amongst the various workmen on subjects connected with their trade, rather than any serious plots against government.

To the aldermen and council of the different towns was committed the charge of fixing the prices of the various kinds of work, which they were to regulate by an examination of the value of the raw material, and an estimate of the labour of the workman; whilst the same judges were to fix the wages given to wrights, masons, and such other handicraftsmen who contributed their skill and labour, but did not furnish the materials. Every farmer and husbandman who possessed a plough and eight oxen was commanded to sow annually a firlot of wheat, half a firlot of pease, and forty beans, under a penalty of ten shillings, to be paid to the baron of the land, for each infringement of the law; whilst the baron himself, if he either neglected to sow the same quantity within his own demesnes, or omitted to exact the penalty from an offending tenant, was made liable in a fine of forty shillings for every offence, to be paid to the king. The small quantity of beans here mentioned renders it probable that this is the era of their earliest introduction into Scotland.[3]

It would appear that although the castles of the Lowland barons, during the regencies of the two Albanies, had been maintained by their proprietors in sufficient strength, the houses of defence, and the various fortalices of the country, beyond that lofty range of hills known anciently by the name of the Mounth, had gradually fallen into decay, a state of things proceeding, without doubt, from the lawless state of these districts, divided amongst a few petty tyrants, and the extreme insecurity of life and property to any inferior barons who dared to settle within them. To remedy this evil, it was determined by the parliament that every lord who had lands beyond the Mounth, upon which, in "auld tymes," there were castles, fortalices, or manor places, should be compelled to rebuild or repair them, and either himself to reside therein, or to procure a friend to take his place. The object of the statute is described to be the gracious government of the lands by good polity, and the happy effects which must result from the produce of the soil being consumed upon the lands themselves where it was grown,—an error, perhaps, in civil policy, but which evinced, even in its aberration, an anxiety to discover the causes of national prosperity, which is remarkable for so remote a period.[4]

The extreme jealousy with which the transportation of money, or bullion, out of the realm, had always been regarded was carried to an extraordinary height in the parliament of the 1st of July 1427, for we find an enactment, entitled, "Anent the finance of clerks

[1] Acts of the Parliament of Scotland, vol. ii. pp. 13, 14.
[2] Ibid.
[3] Acts of the Parliament of Scotland, vol. ii p. 13.
[4] Ibid.

by which all such learned persons proposing to go beyond seas were strictly enjoined either to make change of their money, which they had allotted for the expenses of their travel, with the money-changers within the realm, or at least with the merchants of the country." The same act was made imperative upon all lay travellers; and both clerks and laymen were commanded not to leave the country before they had duly informed the king's chancellor of the exchange which they had transacted, and of the object of their journey.

Some of the most important regulations in this parliament of July 1427 regarded the administration of civil and criminal justice, a subject upon which the king appears to have laboured with an enthusiasm and assiduity which evinces how deeply he felt the disorders of this part of the government. It was first declared that all persons who should be elected judges, in this or any succeeding parliament, for the determination of causes or disputes, should be obliged to take an oath that they will decide the questions brought before them to the best of their knowledge, and without fraud or favour. In the settlement of disputes by arbitration, it was enacted that for the future, where the arbiters consist of clerks, a churchman, having the casting vote, was to be chosen by the bishop of the diocese, with advice of his chapter; where the case to be determined had arisen without burgh, between the vassals of a baron or others, the oversman having the casting vote was to be chosen by the sheriff, with advice of the lord of the barony; and if the plea took place between citizens within burgh, the provost and his council were to select the oversman, it being specially provided that for the future all arbitrations were to be determined, not by an even, but an uneven number of arbiters.[1] With regard to the case of Scottish merchants dying abroad in Zealand, Flanders, or other parts of the continent, if it be certain that they were not resident in these parts, but had merely visited them for the purposes of trade, all causes or disputes regarding their succession, or their other transactions, were declared cognisable by the ordinary judge within whose jurisdictions their testaments were confirmed; even although it was proved that part of the property of the deceased trader was at that time in England, or in parts beyond seas.

In a general council held at Perth on the 1st of March 1427 a change was introduced relative to the attendance of the smaller barons and free tenants in parliament, which, as introducing the principle of representation, is worthy of particular attention. It was determined by the king, with consent of his council general, that the small barons and free tenants needed not to come hereafter to parliaments nor general councils, provided that from each sheriffdom there be sent two or more *wise men*, to be chosen at the head court of each sheriffdom, in proportion to its size. An exception, however, was introduced with regard to the sheriffdoms of Clackmannan and Kinross, which were directed to return each a single representative. It was next declared that by these commissaries in a body there should be elected an expert man, to be called the Common Speaker of the Parliament, whose duty it should be to bring forward all cases of importance involving the rights or privileges of the commons; and that such commissaries should have full powers intrusted to them by the rest of the smaller barons and free tenants to discuss and finally to determine what subjects or cases it might be proper to bring before the council or parliament. It was finally ordained that the expenses of the commissaries and of the speaker should be paid by their electors who owed suit and presence in the parliament or council, but that this new regulation should have no interference with the bishops, abbots, priors, dukes, earls, lords of parliament, and bannerets, whom the king declared he would continue to summon by his special precept.[2] It is probable

[1] Acts of the Parliament of Scotland, vol. ii. p. 14.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 15, 16, cap. 2.

that in this famous law, James had in view the parliamentary regulations which were introduced into England as early as the reign of Henry the Third, relative to the elections of knights of the shire, and which he had an opportunity of observing in full force, under the fourth and fifth Henries, during his long residence in England.[1] As far as we can judge from the concise, but clear, expressions of the act itself, it is evident that it contained the rude draught or first embryo of a Lower House, in the shape of a committee or assembly of the commissaries of the shires, who deliberated by themselves on the proper points to be brought before the higher court of parliament by their speaker.

It is worthy of remark that an institution which was destined afterwards to become the most valuable and inalienable right of a free subject—that of appearing by his representatives in the great council of the nation—arose, in the first instance, from an attempt to avoid or to elude it. To come to parliament was considered by the smaller barons who held of the crown *in capite* an intolerable and expensive grievance; and the act of James was nothing else than a permission of absence to this numerous body on condition of their electing a substitute, and each paying a proportion of his expenses.

In the same parliament other acts were passed, strikingly illustrative of the condition of the country. Every baron, within his barony, was directed, at the proper season, to search for and slay the wolves' whelps, and to pay two shillings a-head for them to any man who brought them: the tenants were commanded to assist the barons on all occasions when a wolf-hunt was held, under the penalty of "a wedder" for non-appearance; and such hunts were to take place four times in the year: no cruves, or machines for catching fish, were to be placed in waters where the tide ebbed and flowed, for three years to come: where the merchants trading to the continent could not procure Scottish ships, they were permitted to freight their cargoes in foreign vessels: no lepers were to dwell anywhere but in their own hospitals, at the gate of the town, or other places without the bounds of the burgh; strict inquiries were directed to be made by the officials of the bishops, in their visitations, with regard to all persons, whether lay or secular, who might be smitten with this loathsome disease, so that they should be denounced, and compelled to obey the statute; and no lepers were to be allowed to enter any burgh, except thrice in the week,—on Mondays, Wednesdays, and Fridays, between the hours of ten and two, for the purpose of purchasing their food; if, however, a fair or market happened to be held on any of these days, they were to come in the morning, and not to mix indiscriminately with the multitude.

If any clerk, whether secular or religious, were desirous of passing beyond seas, it was made incumbent on him first to come to his ordinary to shew good cause for his expedition, and to make faith that he should not be guilty of any kind of simony or "*barratrie*," a word meaning the purchasing of benefices by money. All such defaulters or "barratoures" were to be convicted, under the statute already made against those who carried money out of the realm; and not only who were convicted of this crime in time to come, but all now without the realm, being guilty of it, were made liable to the penalties of the statute, and none permitted either to send them money, or to give them assistance, to whatever rank or dignity in the Church they may have attained.[2] It was enacted that no man should dare to interpret the statutes contrary to their real meaning, as understood by those who framed them; and that the litigants in any plea should attend at court simply accompanied by their councillors and "forespeakers," and such sober retinue as befitted their estate, and not

[1] Rapin's Acta Regia, vol. i. p. 41. Statutes of the Realm, vol. ii. pp. 156, 170, 235.

[2] Acts of the Parliament of Scotland, vol. ii. p. 16. Skene, De Verborum Significatione, voce Barratrie.

with a multitude of armed followers on foot or horseback.

In the same general council some strict regulations occur regarding the prices charged by various craftsmen, such as masons, smiths, tailors, weavers, and the like, who had been in the practice of insisting upon a higher price for their labour than they were by law entitled to. Wardens of each craft were directed to be yearly elected in every burgh, who, with the advice of other discreet and unsuspected men, were to examine and estimate the materials and workmanship of every trade, and fix upon it a certain price, not to be exceeded by the artificer, under the forfeiture of the article thus overcharged. In lands without the burgh the duty of the warden was to be performed by the baron, and the sheriff to see that he duly performs it. The council concluded by an act imposing a penalty of forty shillings upon all persons who should slay partridges, plovers, black-cocks, gray-hens, muir-cocks, by any kind of instrument or contrivance, between lentryn and August.

It may be remarked that the meeting of the three estates in which these various enactments were passed is not denominated a parliament, but a general council—a term possibly implying a higher degree of solemnity, and conferring perhaps upon the statutes passed in it a more unchallengeable authority than the word parliament. It is difficult, however, to understand the precise distinction, or to discover wherein this superior sanctity consists; for, in looking to its internal constitution, we find that the members who composed the general council were exactly the same as those who sat in the parliament; the bishops, abbots, priors, earls, barons, and free tenants who held of the king *in capite*, and certain burgesses from every burgh in the kingdom, "some of whom were absent upon a legitimate excuse, and others contumaciously, who, on this account, were found liable in a fine of ten pounds."[1] Within four months after the meeting of this last general council, the king convoked another solemn assembly of the same description at Perth, on the 12th of July 1428, in which it was determined that all successors of prelates, and all the heirs of earls, barons, and free tenants of the crown, should be bound before they were permitted to enter into possession of their temporalities or their estates, to take the same oath of allegiance to the queen which they had sworn to the sovereign—a regulation by which the king, in the event of his death, prepared his subjects to regard the queen as regent, and endeavoured to guard against those convulsions which were too likely to arise during a minority.[2]

It is time, however, to return from this history of our early legislation to the course of our narrative. Although gradually gaining ground, France was still grievously oppressed by the united attacks of England and Burgundy; and Charles the Seventh, esteeming it of consequence to secure the friendship and assistance of Scotland, followed up the betrothment between James's only daughter and the Dauphin by a contract of marriage, for which purpose the Archbishop of Rheims, and Stuart, lord of Darnley and count of Dreux, again visited Scotland. Instead of a dower, which Scotland was at that time little able to offer, James was requested to send to France six thousand soldiers; and the royal bride was, in return, to be provided in an income as ample as any hitherto settled upon the queens of France. In addition to this, the county of Xaintonge and the lordship of Rochfort were to be made over to the Scottish king; all former alliances were to be renewed and ratified by the mutual oaths of the two monarchs; and the French monarch engaged to send transports for the passage of the Scottish soldiers to France.

The extraordinary rise and splendid military successes of the Maid of Orleans, which occurred in the year immediately following this embassy, rendered it unnecessary for the French

[1] Acts of the Parliament of Scotland, vol. ii. p. 15.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 16, 17.

king to insist upon this article in the treaty; but the jealousy and apprehensions of England were roused by the prospect of so intimate an alliance, and the Cardinal Beaufort, the uncle of James's queen, who at this time was one of the leading directors in the government of England, made proposals for an interview upon the marches between the Scottish monarch and himself, for the purpose of consulting upon some affairs intimately connected with the mutual weal and honour of the two realms. James, however, seems to have considered it beneath the dignity of an independent sovereign to leave his kingdom and engage in a personal conference with a subject, and the meeting never took place.[1] The two countries, however, fortunately continued on amicable terms with each other, and time was given to the Scottish monarch to pursue his schemes of improvement, and to evince his continued zeal for everything which affected the happiness of his subjects and the internal prosperity of his kingdom.

It appears that at this period the poor tenants and labourers of the soil had been reduced to grievous distress by being dispossessed of their farms, and turned out of their cottages, whenever their landlord chose to grant a lease of the estate, or dispose of it to a new proprietor; and such was then the enslaved condition of the lower classes in Scotland that the king, who was bound to respect the laws which affected the rights of the feudal lords, could not of his own authority ameliorate the condition of the labourers. He made it a request, however, to the prelates and barons of his realm, in a parliament held at Perth on the 26th of April 1429, that they would not summarily and suddenly remove the husbandmen from any lands of which they had granted new leases, for the space of a year after such transaction, unless where the baron to whom the estate belonged proposed to occupy the lands himself, and keep them for his own private use; a benevolent enactment, which perhaps may be regarded as the first step towards that important privilege, which was twenty years afterwards conceded to the great body of the farmers and labourers, and which is known in Scottish law under the name of the real right of tack.[2]

A sumptuary law was passed at the same time, by which it was ordered that no person under the rank of knight, or having less than two hundred marks of yearly income, should wear clothes made of silk, adorned with the richer kinds of furs, or embroidered with gold or pearls. The eldest sons or heirs of all knights were permitted to dress as sumptuously as their fathers; and the aldermen, bailies, and council of the towns, to wear furred gowns; whilst all others were enjoined to equip themselves in such grave and honest apparel as befitted their station, that is to say, in "serpis, beltis, uches, and chenzies." In these regulations, the apparel of the women was not forgotten. The increasing wealth and luxury of the commercial classes had introduced a corresponding, and, as it was then esteemed, an unseemly magnificence in the habiliments of the rich burghers' wives, who imitated, and in all probability exaggerated, the dresses of the ladies of the court. It was commanded that neither commoners' wives nor their servants should wear long trains, rich hoods or ruffs, purfled sleeves, or costly "curches" of lawn; and that all gentlemen's wives should take care that their array did not exceed the personal estate of their husband.[3]

All persons who were possessed of property affording a yearly rent of twenty pounds, or of movable goods to the value of a hundred pounds, were to be well horsed, and armed "from head to heel," as became their rank as gentlemen; whilst others of inferior wealth, extending only to ten pounds in rent, or fifty pounds in goods, were bound to provide them-

[1] Rymer, vol. x. p. 410. Rotuli Scotiæ, vol. ii. p. 264.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 17, 35.

[3] Ibid. 17. 18.

selves with a gorget, rearbrace, vantbrace, breastplate, greaves, and legsplints, and with gloves of plate, or iron gauntlets. The arms of the lower classes were also minutely detailed. Every yeoman whose property amounted to twenty pounds in goods was commanded to arm himself with a good doublet of fence, or a habergeon, an iron hat, or knapscull, a bow and sheaf of arrows, a sword, buckler, and dagger. The second rank of yeomen, who possessed only ten pounds in property, were to provide for themselves a bow and sheaf of arrows, a sword, buckler, and dagger; whilst the lowest class of all, who had no skill in archery, were to have a good "*suir*" hat, a doublet of fence, with sword and buckler, an axe also, or at least a staff pointed with iron. Every citizen or burgess possessing fifty pounds in property was commanded to arm himself in the same fashion as a gentleman; and the burgess yeoman of inferior rank, possessing property to the extent of twenty pounds, to provide a doublet and habergeon, with a sword and buckler, a bow and sheaf of arrows, and a knife or dagger. It was finally made imperative on the barons within their barony, and the bailies within burgh, to carry these enactments into immediate execution, under certain penalties or fines, which, in the event of failure, were to be levied by the sheriff of the county.[1]

In the late rebellion of the Lord of the Isles the want of a fleet had been severely felt, and these statutes regarding the land force of the country were followed by other regulations of equal importance concerning the establishment of a navy,—a subject which we have seen occupying the last exertions of Bruce.

All barons and lords possessing estates within six miles of the sea, in the western and northern portions of the kingdom, and opposite the isles, were commanded to contribute to the building and equipment of galleys for the public service, in the proportion of one oar to every four marks' worth of land,[2] and to have such vessels ready to put to sea within a year. From this obligation all such barons as held their lands by the service of finding vessels were of course excepted, they being still bound to furnish them according to the terms of their charter. In the event of any merchant-ships having been wrecked upon the coast, the confiscation of their cargoes to the king, or their preservation for their owners, was made dependent upon the law respecting wrecks in the country to which such vessels belonged; it being just that they should receive from foreign governments the same protection which it was the practice of their government to extend to foreign vessels. It was enacted in the same parliament that all advocates, or forespeakers, who were employed in pleading causes in any temporal court, and also the parties litigant, if they happened to be present, should swear, before they be heard, that the cause which they were about to plead was just and true, according to their belief; or, in the simple words of the act itself, "that they trow the cause is gude and lele that they shall plead."

In the same year, to the great joy of the monarch and the kingdom, his queen was delivered of twin sons, whose baptism was celebrated with much solemnity, one of them being named Alexander, probably after Alexander the Third, whose memory was still dear to the people, and the other James. At the font the king created both these infants knights, and conferred the same honour on the youthful heirs of the Earl of Douglas, the Chancellor, Lord Crichton, Lord Borthwick, Logan of Restalrig, and others of his nobility.[3] The first of these boys died very young, but the second, James, was destined to succeed his father in the throne.

The truce with England was now on the point of expiring, and the king, who was anxious to concentrate his

[1] Acts of the Parliament of Scotland, vol. i. p. 18.

[2] Acts of the Parliament of Scotland, vol. ii. p. 19. What is here the precise value of an oar cannot be discovered from any expression in the act.

[3] Fordun a Goodal, vol ii. p. 490.

whole efforts upon the pacification of the northern parts of his dominions, and whose unremitted attention was required at home to carry his new laws into execution, felt equally disposed with Henry the Sixth to negotiate for a renewal of the armistice, and to discuss the possibility of concluding a permanent peace. For this purpose, a meeting took place between commissioners from both nations, who concluded a truce for five years, from the 1st of April 1431, in the provisions of which an anxious desire was manifested on both sides to adopt every possible expedient for restraining the intolerable lawlessness of the Border warfare. In the same truce various rude accommodations to each other's commerce were agreed upon by the governments of the sister kingdoms; it was forbidden to seize merchants, pilgrims, and fishers of either country, when driven into strange ports by stress of weather; shipwrecked men were to be allowed to pass to their own homes; in cases of piracy, not only the principal aggressors, but all who had encouraged the adventure or received the plunder, were to be liable in compensation, and amenable to punishment; and it was lastly agreed that no aggressions by the subjects of either kingdom should occasion a breach of the truce.[1]

Having concluded this measure, James found himself at leisure to take into consideration the condition of the Highlands, which, notwithstanding the severity of the examples already made, called loudly for his interference. Donald Balloch, a near relation of the Lord of the Isles, enraged at what he deemed the pusillanimous submission of his kinsman, having collected a fleet and an army in the Hebrides, ran his galleys into the neck of sea which divides Morven from the little island of Lismore, and, disembarking at Lochaber, broke down upon that district with all the ferocity of northern warfare, cutting to pieces a superior force commanded by Alexander, earl of Mar, and Alan Stewart, earl of Caithness, whom James had stationed there for the protection of the Highlands. The conflict took place at Inverlochy; and such was the fury of the attack, that the superior discipline and armour of the Lowland knights was unavailing against the broadswords and battle-axes of the islesmen. The Earl of Caithness, with sixteen of his personal retinue, and many other barons and knights, were left dead on the field; while Mar, with great difficulty, succeeded in rescuing the remains of the royal army. From the result of this battle, as well as the severe loss experienced at Harlaw, it was evident that the islesmen and the ketherans were every day becoming more formidable enemies, and that their arms and their discipline must have been of late years essentially improved. Donald Balloch, however, notwithstanding the dispersion of the royal army, appears to have considered it hazardous to attempt to follow up his success; and having ravaged Lochaber, and carried off as much plunder as he could collect, re-embarked in his galleys, retreated first to the isles, and afterwards to Ireland.[2]

About the same time, in the wild and remote county of Caithness, a desperate conflict took place between Angus Dow Mackay and Angus Murray, two leaders of opposite septs or clans, which, from some domestic quarrel, had arrayed themselves in mortal opposition. They met in a strath or valley upon the water of Naver; when such was the ferocity and exterminating spirit with which the battle was contested, that out of twelve hundred only nine are said to have remained alive;[3] an event which, considering the infinite mischiefs lately occasioned by their lawless and undisciplined manners, was perhaps considered a subject rather of congratulation than of regret to the kingdom.

These excesses, however, for the

[1] Rymer, Fœdera, vol. x. p. 482. See M'Pherson's Annals of Commerce. vol. i. p. 646.

[2] Fordun a Hearne, vol. iv. p. 1289. Extracta ex Chronicis Scotiæ, p. 277.

[3] Fordun a Goodal, vol. ii. p. 491.

time, had the effect of throwing the whole of the northern parts of the country into a state of tumult and rebellion; and the king having collected an army, summoned his feudal barons to attend him, and determined to proceed against his enemies in person. With some of the most powerful of the nobility, this northern expedition seems to have been unpopular; and the potent Earl of Douglas, with Lord Kennedy, both of them nephews to James, were committed to ward in the castles of Lochleven and Stirling, probably from some disgust expressed at the royal commands.[1] The rendezvous was appointed at Perth, where, previous to his northern expedition, a parliament was held on the 15th of October; and to defray the expenses of the undertaking, a land-tax, or "*zelde*," was raised upon the whole lands in the kingdom, ecclesiastical as well as temporal. Its amount was declared to be ten pennies in every pound from those lands where, upon a former occasion, the tax of two pennies had been levied, and twelve pennies in the pound out of all lands which had been excepted from the payment of this smaller contribution. At the same time, the king directed his justices to take proper measures for the punishment of those vassals who had disobeyed his summons, and absented themselves from the host; and, with the intention of passing into the Western Isles, and inflicting exemplary vengeance against the pirate chiefs who had joined Donald Balloch, he proceeded to Dunstaffnage castle. Here he found himself in a short time surrounded by crowds of suppliant island lords, who, dreading the determined character of James, were eager to make their submission, and to throw the whole blame of the rebellion upon Balloch, whose power they dared not resist. By their means three hundred of the most noted thieves and robbers were seized and led to immediate execution; and soon after Donald Balloch was himself betrayed by one of the petty kings of Ireland, who, having entered into a secret treaty with James, cut off his head, and sent it to the king.[2]

It was at this period that the pestilence again broke out in Scotland; but the visitation, although sufficiently dreadful, appears to have assumed a less fatal character than that which in 1348 carried off almost a third part of the population of the kingdom. The winter had been unusually severe and stormy, and the cold so intense, that not only the domestic cattle, but the hardier beasts of the chase, almost entirely perished. It is difficult in the meagre annals of contemporary historians to detect anything like the distinguishing symptoms of this awful scourge. In contradistinction to the pestilences which, in 1348, 1361, and 1378, had committed such fatal ravages, Bower denominates this the "pestilentia volatilis;"[3] and we know that, having first appeared at Edinburgh in the month of February 1430, it continued throughout the year 1432, at which time it was prevalent in Haddington;[4] while in the year immediately preceding, (1431,) during the parliament which was held at Perth in October, the volatile character of the disease seems to be pointed out by the provision that the collectors of the land-tax should be obliged to arrange their accounts on the Feast of the Purification of the Virgin, next to come, "at Perth, provided the pestilence be not there, and if it is there, at Saint Andrews."[5] The inclemency of the season, the poverty of the lower classes, and the dreadful ravages occasioned by private war, and by the ferocity of the northern clans, must have greatly increased the distresses occasioned by such a calamity; and

[1] Fordun a Hearne, vol. iv. p. 1288.

[2] Acts of the Parliament of Scotland, vol. ii. p. 20. Buchanan, book x. chap. xxxiii. xxxvi. It is singular that James's expedition against his northern rebels in 1431 is not mentioned either by Fordun, or Bower in his Continuation; yet that such an expedition took place, the Acts of the Parliament held at Perth, 15th of October 1431, afford undoubted evidence.

[3] Fordun a Goodal. vol. ii. pp. 347, 365 391, 490.

[4] Extracta ex Chronicis Scotiæ, p. 277.

[5] Acts of Parliament, vol. ii. p. 20.

it appears from the accounts of our contemporary chroniclers, that during the height of the ravages which the pestilence occasioned, the popular mind, under the influence of terror and ignorance, became agitated with frightful stories and wild and romantic superstitions. A total eclipse of the sun, which occurred on the 17th of June 1432, increased these terrors, the obscuration beginning at three in the afternoon, and for half an hour causing a darkness as deep as midnight. It was long remembered in Scotland by the name of the Black Hour.[1]

The continuance of the successes of the French, and the repeated defeats which the English had experienced, now rendered it of importance to the government of Henry the Sixth to make a serious effort for the establishment of a lasting peace with Scotland; and for this purpose Lord Scrope proceeded as envoy to the court of James, with proposals so decidedly advantageous, that it is difficult to account for their rejection. The English king, he declared, was ready to purchase so desirable a blessing as a peace by the delivery of Roxburgh and Berwick into the hands of the Scots, and the restitution of all that had anciently belonged to their kingdom. Anxious to obtain the advice of his parliament upon so momentous an offer, James appointed a general council of the whole states of the realm to be held at Perth in October,[2] in which he laid before them the proposals of England.

The whole body of the temporal barons agreed in the expediency of entering upon an immediate negotiation, preparatory to a treaty of peace, and the majority of the prelates and higher Churchmen concurred in this proposal; but amongst the minor clergy there existed a party attached to the interests of France, which was headed by the Abbots of Scone and Inchcolm. They warmly contended that, considering the engagements with that country, and the treaty of marriage and alliance which the king had lately ratified, it was impossible to accept the proposals of England, consistently with his honour, and the regard due to a solemn agreement, which had been examined by the University of Paris, and had received the ratification of the Pope. These arguments were seconded by the Abbot of Melrose, and with much violence opposed by Lawrence of Lindores, who, as the great inquisitor of all heretical opinions, imagined that he detected in the propositions of his brethren of the Church some tenets which were not strictly orthodox. This led to a warm reply, and the debate, instead of a temperate discussion of the political question which had been submitted to the parliament, degenerated into a theological controversy of useless length and bitterness, which unfortunately led, in the first instance, to a delay of the principal business, and ultimately to a rejection of all proposals of peace.[3]

The succeeding year was barbarously signalised by the trial and condemnation of Paul Crawar, a Bohemian, who was burnt for heresy at St Andrews on the 23d of July. He had been sent by the citizens of Prague, who had adopted the tenets of Wickliff, to open an intercourse with their brethren in Scotland. Of these earnest inquirers after truth there appears to have been a small sect, who, undaunted by the dreadful fate of Resby, continued secretly to examine the alleged errors of the Catholic Church, and to disseminate what they contended were principles more orthodox and scriptural. Crawar was a physician, and came into Scotland with letters which spoke highly of his eminence in his art; but he seized every opportunity of inculcating principles contrary to the established doctrines of the Church; and the inquisitor, Lawrence of Lindores, arraigned him before his court, and entered into a laboured confutation of his opinions. He found him, however, not only a courageous, but, according to the admission of his ene-

[1] Fordun a Hearne, vol. iv. p. 1307.

[2] Ibid. vol. iv. p. 1308. I do not find in Rymer's Fœdera, in the Acts of the Parliament, or in the Rotuli Scotiæ, any deed throwing light upon this transaction.

[3] Fordun a Hearne, vol. iv. pp. 1309, 1310.

mies, a singularly acute opponent. In theological controversy, in an acquaintance with the sacred Scriptures, and in the power of prompt and apposite quotation, the Bohemian physician was unrivalled; but it was soon discovered that he had adopted all the opinions of the disciples of Wickliff and of the heretics of Prague, and that his profession of a physician was merely a cloak to conceal his real character as a zealous reformer.

That he had made many converts there can be no doubt, from the expressions used by Bower; and the laboured exposition and denunciation of his errors, which is given by the historian, contains evidence that his opinions were on some points those of Wickliff, which had been propagated twenty-six years before by Resby. He and his followers taught that the Bible ought to be freely communicated to the people; that, in a temporal kingdom, the spiritual power should be subservient to the civil; that magistrates had a right to arraign, on trial, and to punish delinquent ecclesiastics and prelates: that purgatory was a fable; the efficacy of pilgrimages an imposition; the power of the "keys," the doctrine of transubstantiation, and the ceremonies of absolution, a delusion and invention of man. The historian adds, that this sect denied the resurrection of the dead, recommended a community of goods, and that their lives were gross and licentious.[1] In the celebration of the Lord's Supper they departed entirely from the solemnities which distinguished this rite in the usage of the Catholic Church. They used no splendid vestments, attended to no canonical hours or set form of words, but began the service at once by the Lord's Prayer; after which they read the history of the institution of the Supper as contained in the New Testament, and then proceeded to distribute the elements, using common bread and a common drinking-cup or goblet.[2]

These practices and principles, in some of which we can recognise not merely a dawning, but nearly a full development of the tenets of Luther, excited a deep alarm amongst the clergy, who found a warm supporter in the king. James had been brought up in a cruel and selfish school; for both Henry the Fourth and his son were determined persecutors, and the price which they did not scruple to pay for the money and the influence of the clergy was the groans and tortures of those who sealed their confession with their blood. A familiarity with religious persecution, and an early habit of confounding it with a zeal for the truth, became thus familiar to the mind of the youthful king; and the temptations to favour and encourage his clergy, as a check and counterpoise to the power of his nobles, was not easily resisted. When, accordingly, Lawrence of Lindores, the inquisitor of heresy, became ambitious to signalise the same controversial powers against Crawar which he had already exerted in the confutation of Resby, he found no difficulties thrown in his way. The Bohemian reformer was seized, arraigned, confuted, and condemned; and as he boldly refused to renounce his opinions, he was led to the stake, and gave up his life for the principles he had disseminated, with the utmost cheerfulness and resolution.[3] The great council of Basle, which was held at this time, had taken special cognisance of the errors of Wickliff; and as the Bishops of Glasgow and Moray, with the Abbot of Arbroath, and many of the Scottish nobles, attended at this solemn assembly of the Church, it is probable that their increased devotion to the Catholic faith, and anxiety for the extermination of heretical opinions in their own country, proceeded from their late intercourse with this great theological convocation.[4]

In the midst of his labours for the pacification of his northern dominions, and his anxiety for the suppression of heresy, the king never forgot his great plan for the diminution of the exor-

[1] Fordun a Goodal, vol. ii. pp. 495. 498.
[2] Ibid. vol. ii. p. 495.
[3] Fordun a Goodal, vol. ii. pp. 442. 495.
[4] Rotuli Scotiæ, vol. ii. pp. 276. 284.

bitant power of the nobles; and with this view he now disclosed a design of a bold character, but which, however expedient, was scarcely reconcilable to the principles of justice. The strong castle of Dunbar, and the extensive estate, or rather principality, of the Earl of March, since the days of David the First, had been a perpetual thorn in the side of the Scottish government; its situation having enabled each successive earl to hold in his hands a power far too great for any subject. It was a common saying, that March held the keys of the kingdom at his girdle. The possession of the various castles which commanded the passes permitted him to admit an enemy at pleasure into the heart of the country, and almost rendered the prosperity of the nation dependent upon the fidelity of a single baron. These circumstances, accordingly, had produced the effects which might have been anticipated; and the Earls of March had shewn themselves for many generations the most ambitious and the most intriguing of the whole race of Scottish nobles; as pre-eminent in their power as they were precarious in their loyalty.

The conduct of the father of the present earl had been productive of infinite distress and misery to Scotland. Disgusted at the affront offered to his daughter by the Duke of Rothesay's breach of his betrothed promise, and by his subsequent marriage with the house of Douglas, he had fled to England in 1401, and for eight years had acted the part of an able and unrelenting renegade. He had ravaged Scotland in company with Hotspur; he had been the great cause of the disastrous defeat at Homildon; his military talents were still more decidedly displayed upon the side of Henry the Fourth at Shrewsbury; and his son, the earl, against whom James now resolved to direct his vengeance, had defeated the Scots at West Nesbit. After the accession of Albany to the kingdom, the elder March, in 1408, returned to his native country; and having been restored to his estates, which had been forfeited to the crown in consequence of his rebellion, he continued in the quiet possession of them till his death, which happened in 1420.

He was succeeded by his son, George, earl of March, a baron who, with the single exception of having fought against the Scots at Nesbit, does not appear to have inherited any part of his father's versatility; and who, although arrested by James at the time when Duke Murdoch was imprisoned, shared that fate in common with many others of the nobility, who seem to have purchased their peace with the king by sitting upon the jury which condemned his unfortunate cousin. It was a remarkable feature, however, in the character of this monarch, that he retained his purposes with a steadiness and patience that gave little alarm, while it enabled him quietly to watch his opportunity; that he was calculating upon the removal of obstacles, and smoothing the road for the execution of his designs, when no one suspected that such designs existed. In the parliament held at Perth, on the 15th of October 1431, it had been declared by the three estates[1] that the governor of the realm, during the period of his government, had no power to alienate any lands which, by the decease of a bastard, might have fallen to the crown; and that, on this ground, the donation of the lands of Yetholm, which had been made by Albany, when governor, to Adam Ker, was of none effect, although it had been completed by feudal investiture. It is very probable that, at this or a subsequent period, other enactments may have been passed relative to the power possessed by the king to resume such estates as, having once been forfeited for treason, had been restored by the governor. No record of such, however, remains; and we only know that James, having felt his way, and being probably sure of his own strength, determined on the resumption of the immense estates of March into the hands of the crown.

A parliament was accordingly assembled at Perth, on the 10th of

[1] Acts of the Parliament of Scotland, vol. ii. p. 20.

January 1434, and its first proceeding was to select a committee of nine persons, including three of the clergy, three of the barons, and three of the burgesses, to determine all causes which might be brought before them. The Abbots of Scone and of St Colm,[1] the Provost of the collegiate church of Methven, Sir Robert Stewart of Lorn, Sir Thomas Somerville of Somerville, and Sir Walter Haliburton of Dirleton, along with John Spens of Perth, Thomas Chambers of Aberdeen, and James Parkle of Linlithgow, were the judges chosen upon this occasion; but whether the important cause relating to the earldom of March came before them, or was pleaded in presence of the whole body of the parliament, is not easily ascertained. It is certain that the question regarding the forfeiture of the property, and its reversion to the crown, in consequence of the treason of the late Earl of March, was discussed with all due solemnity by the advocates or prolocutors of the king, and of the earl then in possession; after which, this baron and his counsel being ordered to retire, the judges considered the reasons which had been urged on both sides, and made up their opinion upon the case. March and his prolocutors were then readmitted, and the doomster declared it to be the decision of the parliament that, in consequence of the forfeiture of Lord George of Dunbar, formerly Earl of March, all title of property to the lands of the earldom of March and lordship of Dunbar, with whatever other lands the same baron held of the crown, belonged of right to the king, and might immediately be insisted on.[2]

Against this measure, which in a moment reduced one of the most powerful subjects in the realm to the condition of a landless dependant upon the charity of the crown, it does not appear that the earl or his friends dared to offer any remonstrance or resistance. They probably knew it would be ineffectual, and might bring upon them still more fatal consequences; and James proceeded to complete his plan for the security of the kingdom by taking possession of the forfeited estate, and delivering the keeping of the castle of Dunbar, which he had seized in the preceding year, to Sir Walter Haliburton of Dirleton. He then, to soften in some degree the severity of his conduct, conferred upon March the title of Earl of Buchan, and assigned to him, out of the revenues of that northern principality, an annual pension of four hundred marks. That noble person, however, full of resentment for the cruelty with which he had been treated, disdained to assume a title which he regarded as only a mark of his degradation; and almost immediately after the judgment, bidding adieu to his country, in company with his eldest son, retired to England.[3] Although this extraordinary proceeding appears not to have occasioned any open symptoms of dissatisfaction at the moment, it is impossible to conceive that it should not have roused the jealousy and alarmed the minds of the great body of the feudal nobility. It cannot, perhaps, be pronounced strictly unjust; yet there was a harshness, it may almost be said a tyranny, in the manner in which such princely estates were torn from the family, after they had been possessed for twenty-six years without challenge or remonstrance.

During the long usurpation of Albany, many of the nobles had either acquired, or been permitted to retain their lands, upon tenures in every respect as unsound as that by which March possessed his earldom, and none knew whether they might not be the next victims. A dark suspicion that the life of the king was incompatible with their security and independence began secretly to infuse itself into their minds; and from a proceeding which took place before the dissolution of the parliament, the monarch himself appears to have been aware of the probability of conspiracy, and to have contemplated the possibility of his

[1] Walter Bower, the excellent Continuator of Fordun.

[2] Acts of the Parliament of Scotland, vol. ii. p. 23.

[3] Rotuli Scotiæ, vol. ii. p. 293.

being suddenly cut off in the midst of his schemes for the consolidation of his power. He did not allow them to separate and return to their homes, before the whole lords of parliament temporal and spiritual, as well as the commissaries of the burghs, had promised to give their bonds of adherence and fidelity to their sovereign lady the queen.[1]

About the same time the king acquired a great accession of property and power by the death of Alexander Stewart, the famous Earl of Mar, and a natural son of the Earl of Buchan, James's uncle. The estates of this wealthy and potent person, who, from a rude and ferocious Highland freebooter, had become one of the ablest captains and most experienced statesmen in the nation,[2] reverted upon his death to the crown, upon the ground of his bastardy. The humiliation of the hated race of Albany was now complete. Murdoch and his sons, with the Earl of Lennox, had perished on the scaffold, and their whole estates had reverted to the crown; although the Earl of Buchan, who was slain at Verneuil, had left an only daughter, to whom the title belonged, by a stretch of power bordering upon injustice, the title had been bestowed upon the disinherited March, and now the immense estates of the Earl of Mar, the natural son of Buchan, reverted to the crown. The power of the king became thus every day more formidable; but it was built upon the oppression of his feudal nobility, a set of men with whom it was considered a meanness to forget an injury, and whose revenge was generally deep and terrible—and so the result shewed.

Entirely occupied with a vain and unsuccessful effort to retain their conquests in France, the English government evinced every anxiety to preserve inviolate the truce with Scotland; but the spirit of Border hostility could not be long restrained, and Sir Robert Ogle, from some cause which is not easily discoverable, broke across the marches, at the head of a strong body of knights and men-at-arms. He was met, however, and totally routed, near Piperden, by the Earl of Angus, Hepburn of Hailes, and Sir Alexander Ramsay of Dalhousie, he himself being taken captive, forty slain, and nearly the whole of his party made prisoners.[3] James violently remonstrated against this unprovoked infraction of the truce, and, in his letters to the English regency, insisted upon immediate redress; but his complaints were overlooked or rejected, and the king was not of a temper to bear such an affront with tameness, or to forget it when an opportunity for retaliation occurred.

These indignant feelings were increased by an occurrence which followed soon after the conflict at Piperden. The Dauphin of France, who had been betrothed to Margaret, the daughter of the Scottish king, had now attained his thirteenth year, and the princess herself was ten years old: it was accordingly resolved to complete the marriage; and with this view, two French envoys having arrived in Scotland, the youthful bride was sent to the court of the King of France, accompanied by a splendid train of the nobility. The fleet which carried her to her future kingdom, where her lot was singularly wretched, was commanded by the Earl of Orkney, William Sinclair. The Bishop of Brechin, Sir Walter Ogilvy the treasurer, Sir Herbert Harris, Sir John Maxwell of Calderwood, Sir John Campbell of Loudon, Sir John Wishart, and many other barons, attended in her suite. They were waited on by a hundred and forty youthful squires, and a guard of a thousand men-at-arms; and the fleet consisted of three large ships and six barges.[4]

In defiance of the truce which then subsisted between the two kingdoms, the English government determined, if possible, to intercept the princess upon her passage to France, and for this purpose fitted out a large fleet,

[1] Acts of the Parliament of Scotland, vol. ii. p. 23. The expression is, "dare literas suas retenenciæ et fidelitatis Domine nostre Regine."

[2] Fordun a Goodal, vol. ii. p. 500.

[3] Fordun a Goodal, vol. ii. p. 501.

[4] Ibid. vol. ii. p. 485.

which anchored off the coast of Bretagne, in order to watch the motions of the Scots. It was impossible that so flagrant an insult should fail to rouse the indignation of the Scottish king. It convinced him how little was to be trusted to the honour of a government which disregarded a solemn truce the moment a favourable opportunity for conquest, or annoyance, presented itself, whilst it reminded him of the treachery by which he had himself been seized, and brought all the bitterness of his long captivity before him. The project, however, was unsuccessful. The English were drawn away from their watch by the appearance of a company of Flemish merchantmen, laden with wine from Rochelle, which they pursued and captured; but the triumph was of short duration; for almost immediately after a Spanish fleet appeared in sight, and an engagement took place, in which the English were beaten, their Flemish prizes wrested from their hands, and they themselves compelled to take to flight. In the midst of these transactions, the little Scottish squadron, with the Dauphiness and her suite, safely entered the port of Rochelle, and disembarked at Neville Priory, where she was received by the Archbishop of Rheims and the Bishop of Poictiers and Xaintonge. The marriage was afterwards celebrated at Tours with much magnificence, in presence of the King and Queen of France, the Queen of Sicily, and the nobility of both kingdoms.[1] By the common practice of most feudal states, an expensive ceremony of this kind was considered a proper occasion for the imposition of a general tax throughout the kingdom; but James refused to oppress the great body of his subjects by any measure of this nature, and contented himself with those gifts or largesses which the prelates and the chief nobility of the court were wont to contribute upon such joyful occurrences.[2]

The late infraction of the truce by Ogle, and the insidious attempt upon the part of the English government to intercept the Dauphiness, his daughter, had inflamed the resentment of the Scottish king, and rendered him not averse to the renewal of the war. It is probable, however, that there were other causes for this sudden resolution; and these are perhaps to be sought in the irritated feelings with which a portion of the nobility began to regard the government of James. To find excitement and employment for such dangerous spirits, the monarch assembled the whole force of his dominions; and with an army formidable indeed in numbers, but weakened by intrigues and discontent amongst the principal leaders, he commenced the siege of Roxburgh.[3]

The subsequent course of events is involved in much obscurity, which the few original documents that remain do not in any satisfactory manner remove. After having spent fifteen days in the siege, during which time the warlike engines for the attack were broken and rendered useless, and the quarrels, arrows, and missiles entirely exhausted, the castle was on the eve of being surrendered, when the queen suddenly arrived in the camp, and James, apparently in consequence of the secret information which she communicated, abruptly put a period to the siege, disbanded his army, and with a haste which implied some weighty cause of alarm, returned ingloriously into the interior of his dominions. For such an abrupt step no certain cause can be assigned, but such, beyond question, was the fact; and it naturally leads to the conjecture that James was suddenly informed of some treacherous designs against him, and suspected that the conspirators lurked within his own kingdom.[4]

This precipitate dismissal of his

[1] Fordun a Goodal, vol. ii. pp. 485, 501.
[2] Ibid.
[3] Fordun a Goodal, vol. ii. p. 502. The king was engaged in the siege of Roxburgh 10th August 1436. Rotuli Scotiæ, vol. ii. p. 295.
[4] Bower (Fordun a Goodal, vol. ii. p. 502) says nothing of the arrival of the queen at Roxburgh; but the ancient MS., entitled Extracta ex Chronicis Scotiæ, p. 279, expressly states the fact:—"Per quindecim dies obsidioni vacabant, et nihil laudis actum est veniens regina abduxit regem; reliqui sunt secuti et sic cessavit."

forces took place in August, and two months afterwards the king held a general council at Edinburgh, on the 22d of October 1436, in whose proceedings we can discern nothing intimating any continued suspicion of a conspiracy. Some commercial regulations were passed, which, under the mistaken idea that they were encouragements, proved, in reality, restrictions upon commerce. Exporters of wool were in future to give security to bring home and deliver to the master of the mint three ounces of bullion for every sack of wool, nine ounces for a last of hides, and three ounces for such quantity of other goods as paid freight, equal to an ancient measure called a *serplaith;* whilst, in addition to the impolicy of restricting the merchants from importing such goods as they esteemed most likely to increase their profits, the delivery of the silver was regulated by weight or measure, and not by value. Other unwise restrictions were imposed. No English cloth was permitted to be purchased by the Scottish merchants, nor were English traders allowed to carry any articles of Scottish trade or manufacture out of the kingdom, unless such were specified particularly in their letters of safe-conduct.[1]

Yet, in the midst of these parliamentary proceedings, more dark designs were in agitation amongst the nobility; and the seeds of discontent and rebellion, which the king imagined had been entirely eradicated after the retreat from Roxburgh, were secretly expanding themselves into a conspiracy, of which the history and ramifications are as obscure as the result was deplorable. Its chief actors, however, and the temper and objects by which they were regulated, may be ascertained on authentic evidence. The chief promoters of the plot were Sir Robert Graham, brother of Sir Patrick Graham of Kincardine; Walter Stewart, earl of Athole, a son of Robert the Second; and his grandson, Sir Robert Stewart, who filled the office of chamberlain to the king, by whom he was much caressed and favoured. Graham's disposition was one which, even in a civilised age, would have made him a dangerous enemy; but in those feudal times, when revenge was a virtue, and forgiveness a weakness, it became, under such nurture, peculiarly dark and ferocious. Unshaken courage, and a contempt of pain and danger, a persuasive power of bending others to his purposes, a dissimulation which enabled him to conceal his private ambition under a zeal for the public good, and a cruelty which knew neither hesitation nor remorse, were the moral elements which formed the character of this daring conspirator.

Upon the return of the king from his detention in England, and at the time that he inflicted his summary vengeance upon the house of Albany, Sir Robert Graham had been imprisoned, along with the other adherents of that powerful family; but it seems probable that he obtained his liberty, and for a while became reconciled to the government. Another transaction, however, was at hand, which, it is said, rekindled his feelings into a determined purpose of revenge. This was the seizure or resumption of the earldom of Strathern by the king. David, earl of Strathern, the brother of the Earl of Athole, was the eldest son of Robert the Second, by his second wife, Euphemia Ross. He left an only daughter, who married Patrick Graham, son of Sir Patrick Graham of Kincardine, and, in right of his wife, Earl of Strathern, to whose children, as the transmission of these feudal dignities through females was the acknowledged law of Scotland, the title and estates undoubtedly belonged. James, however, fixed his eyes upon this powerful earldom. He contended that it was limited to heirs-male; that upon the death of David, earl of Strathern, it ought to have reverted to the crown; and that Albany, the governor, had no power to permit Patrick Graham or his son to assume so extensive a fief, which he resumed as his own. Although, however, he dispossessed Malise Graham, the son of

[1] Acts of the Parliament of Scotland, vol. ii. pp. 23, 24. M'Pherson's Annals of Commerce, vol. i. p. 650.

the Earl of Strathern, of his lands and dignity, James appears to have been anxious to remove the appearance of injustice from such conduct, and to conciliate the disinherited family. For this purpose he conferred the liferent of the earldom of Strathern upon Athole, and he created the new earldom of Menteith in favour of Malise Graham.[1]

This attempt at conciliation, however, did not succeed; and indeed, notwithstanding the disguise which the king threw over it, it is easy to see that his conduct must have appeared both selfish and tyrannical. It was selfish, because, from the extreme age of Athole, James looked to the almost immediate possession of the rich earldom which he had torn from the Grahams; and tyrannical, because there appears no ground for the assertion that it was a male fief. Malise Graham was now a youth, and absent in England; but his uncle, Sir Robert Graham, remonstrated, as the natural guardian of his rights; and finding it in vain to sue for redress, he determined upon revenge. It was no difficult matter for a spirit like his to work upon the jealousies and discontented feelings of the nobles; and there were yet remaining many friends of Albany, who remembered the dreadful fate of that unhappy house, and who considered themselves bound by those strict ties of feudal vassalage then esteemed sacred to revenge it the moment an opportunity presented itself.

Amongst these persons, Graham, who himself felt the influence of such feelings in the strongest possible manner, found many ready associates; but although the body of the higher nobility were sufficiently eager to enter into his designs for the abridgment of the royal prerogative, and the resumption of the power which they had lost, they appear at first to have shrunk from anything beyond this.[2] It was determined meanwhile that Graham, who was an eloquent speaker, should detail their grievances in parliament, and that his remonstrance should be seconded by the rest of the nobles. The natural audacity of his character, however, made him exceed his commission. He spoke with open detestation of the tyrannical conduct of the government; pointed out in glowing language the ruin of the noblest families in the state; and concluded by an appeal to the barons who surrounded him, beseeching them to save the authority of the laws, were it even at the risk of laying a temporary restraint upon the person of the sovereign. The temerity of this speech confounded the barons who had promised to support him; they trembled and hesitated; whilst James, starting from his throne, commanded them instantly to arrest the traitor, and was promptly obeyed. Graham meanwhile loudly expressed the bitterest contempt for the pusillanimity of his associates; but he was hurried to prison, soon after banished from court, and his estates confiscated to the crown.[3]

James, if not already sensible of the dangerous character of Graham, must have now been fully aware of it; and how he should have suffered so bold and able a rebel to escape, is difficult to understand. It is evident, I think, that the connexion between Graham, the Earl of Athole, and Sir Robert Stewart had not at this time proceeded to the formation of those atrocious designs which they afterwards carried into execution, for we cannot doubt that the king must have examined the whole affair with the utmost anxiety; and his banishment of Graham only may convince us that, in this instance, he did not suspect him of plotting with others of his nobility.

Enraged at the ruin of his fortunes, this audacious man retreated to the Highlands, and within their gloomy recesses meditated a desperate revenge. But the mode in which he proceeded had something great about it, and shewed that he was no hired or common assassin. He sent a letter to James, in which he renounced his allegiance; he defied him, as a tyrant who

[1] Hailes, Sutherland Case, chap. v. p. 57.

[2] Contemporary Account of "The dethe of the King of Scotis," first printed by Pinkerton, Hist. vol. i. p. 462.

[3] Contemporary Account of "The dethe of the King of Scotis," Hist. vol. i. p. 464.

had ruined his family, and left him houseless and landless; and he warned him that, wherever he could find opportunity, he would slay him as his mortal enemy. These threats, coming from a vagabond traitor, James despised; but he made proclamation for his apprehension, and fixed a large sum of gold on his head.[1]

In the meantime parliament met, and Graham, although immured in his Highland retreats, found means to communicate with the discontented nobles, and to induce the Earl of Athole, and his grandson, Sir Robert Stewart, to enter fully into his schemes for the destruction of the king. He represented to this baron, who, though now aged, inherited the proud ambition of his family, that Robert the Third was born out of wedlock, and that the crown belonged to him, as the lawful son of the second marriage of Robert the Second, or, if he chose to decline it, to Stewart, his grandson. The single life of a tyrant, who had destroyed his house, and whose power was every day becoming more formidable, was, he contended, all that stood between him and the throne, for James's son was yet a boy in his sixth year, and might be easily disposed of; and such was the unpopularity of the government, that the whole body of the nobility would readily welcome a change. It is said also that Graham worked upon Athole's ambition by the predictions of a Highland seer, who had prophesied that this earl should be crowned in that same year; a story much in the superstitious character of the times, and not unlikely to be true, as the conspiracy was undoubtedly brought to its height within the Highlands. If Graham was thus able to seduce the age and experience of Athole, it is not surprising that the prospect of a crown easily captivated the youthful ambition of Sir Robert Stewart, his grandson; and as he was chamberlain to the king, enjoyed his most intimate confidence, and was constantly employed in offices about his person, his accession to the plot may be regarded as the principal cause of its success. Graham's inferior assistants were principally some obscure dependants on the house of Albany, Christopher and Thomas Chambers,[2] with Sir John Hall and his brother; but his influence in the Highlands had collected a body of three hundred ketherans, without whose co-operation it is not probable that he could have effected his purpose.

All things were now nearly ready, whilst the king, naturally of a fearless and confident temper, and occupied with his schemes for the amelioration of the commerce of the kingdom, and the better execution of the laws, appeared to have forgotten the insolence of Graham, and to have been persuaded that the discontents amongst his nobility had passed away. Christmas approaching, it was determined that the court should keep the festival at Perth, in the monastery of the Dominicans, or Black Friars, a noble edifice, which gave ample room for the accommodation of the royal retinue. This resolution gave an unlooked-for facility to the traitors, for it brought their victim to the borders of the Highlands. It was accordingly resolved by Graham that the murder should be committed at this holy season; and, after his preparations had been made, he waited patiently for the arrival of the king.

It was impossible, however, that a plot which embraced so many agents should be kept completely secret; and a Highland woman, who in those days of superstition laid claim to prophetic skill, becoming acquainted with the design, resolved to betray it to the king. Accordingly, as the monarch and his nobles were on their road to cross the Firth of Forth, then called the Scottish sea, she presented herself before the royal cavalcade, and addressing James, solemnly warned him, "that if he crossed that water he should never return again alive."[3] He was struck with her wild appearance,

[1] Contemporary Account.

[2] Contemporary Account, p. 466. In the Rotuli Scotiæ, vol. ii. p. 159, we find John del Chambre in the employment of Albany in 1401.

[3] Contemporary Account. Pinkerton, vol. i. p. 465.

and the earnestness of her manner, stopt for a moment, and commanded a knight who rode beside him to inquire what she meant. Whether from stupidity or treachery is not certain, the commission was hurriedly executed, and she had only time to say that her information came from one Hubert; when the same knight observing that she was either mad or intoxicated, the king gave orders to proceed, and, having crossed the firth, rode on to Perth. James, as was expected, took up his residence in the Dominican monastery, and the court was unusually brilliant and joyous. Day after day passed in every species of feudal delight and revelry; and the conspirators had matured their plan, and fixed the very hour for the murder, whilst the unhappy prince dreamt of nothing but pleasure.

It was on the night between the 20th and the 21st of February that Graham resolved to carry his purpose into effect. After dark, he had procured Sir Robert Stewart, whose office of chamberlain facilitated his treachery, and rendered him above all suspicion, to place wooden boards across the moat which surrounded the monastery, over which the conspirators might pass without disturbing the warder, and to destroy the locks and remove the bolts of the doors by which the royal bedchamber communicated with the outer room, and this apartment with the passage. On this fatal evening the revels of the court were kept up to a late hour. The common sports and diversions of the time, the game of tables, the reading romances, the harp and the song, occupied the night; and the prince himself appears to have been in unusually gay and cheerful spirits. He even jested about a prophecy which had declared that a king should that year be slain; and when engaged in playing at chess with a young knight, whom in his sport he was accustomed to call the King of Love, warned him to look well to his safety, as they were the only two kings in the land.[1] In the midst of this playful conversation, Christopher Chambers, one of the conspirators, being seized with remorse, repeatedly approached the royal presence, intending to warn James of his danger; but either his heart failed him, or he was prevented by the crowd of knights and ladies who filled the presence chamber, and he renounced his purpose. It was now long past midnight, and the traitors, Athole and Stewart, who knew by this time that Graham and the other conspirators must be near at hand, heard James express his wishes for the conclusion of the revels with secret satisfaction; when, at this moment, a last effort was made to save the unhappy prince, which had almost succeeded. The faithful Highland woman, who had followed the court to Perth, again presented herself at the door of the chamber, and so earnestly implored to see the king, that the usher informed him of her wishes. It was a moment on which his fate seemed to hang, but his evil genius presided; he bade her call again and tell her errand on the morrow, and she left the monastery, after solemnly observing that they would never meet again.[2]

Soon after this, James called for the parting cup, and the company dispersed. The Earl of Athole, and Sir Robert Stewart, the chamberlain, were the last to leave the apartment; and the king, who was now partly undressed, stood in his night-gown before the fire, talking gaily with the queen and her ladies of the bedchamber, when he was alarmed by a confused clang of arms, and a glare of torches in the outer court. A suspicion of treason, and a dread that it was the traitor Graham, instantly darted into his mind, and the queen and the women flew to secure the door of the apartment, but to their dismay found the locks destroyed and the bolts removed. James thus became certain that his destruction was resolved on; but his presence of mind did not forsake him, and commanding the women to obstruct all entrance as long as they

[1] Contemporary Account, p. 466.

[2] Contemporary Account, p. 467. "The said woman of Yreland that cleped herself a dyvenourese."

were able, he rushed to the windows, but found them so firmly secured by iron bars, that all escape was impossible. The steps of armed men now came nearer and nearer, and in utter despair he seized the tongs of the fireplace in the apartment, and by main force wrenching up one of the boards of the floor, let himself down into a small vault situated below; he then replaced the board, and thus completely concealed himself from observation. From this incommodious retreat there was a communication with the outer court by means of a drain or square hole used for cleansing the apartment, and of width enough to have permitted the king to escape; but it had unfortunately been built up only three days before this by James's own direction, as the tennis court was near it, and the balls had frequently run in and been lost in the aperture.[1] Meanwhile, Graham and his accomplices rushed towards the king's bedchamber, and having slain Walter Straiton, a page, whom they met in the passage, began to force open the door amidst the shrieks of the queen and the women, who feebly attempted to barricade it. One of the ladies, named Catherine Douglas, with heroic resolution thrust her arm into the staple from which the bolt had been treacherously removed; but it was instantly snapt and broken by the brutal violence of the conspirators, who, with furious looks, and naked weapons stained with blood, burst into the chamber, and in their first attack had the cowardice to wound some of the queen's women, as they fled screaming into the corners of the apartment. The queen alone did not move, but, wrought up to a pitch of horror and frenzy which paralysed every member, stood rooted to the floor, her hair hanging loosely around her shoulders, and with nothing on but her kirtle and mantle.[2] Yet in this helpless state one of the villains, in the most brutal manner, attacked and wounded her, and she would assuredly have been slain had the deed not been prevented by a son of Graham's, who peremptorily commanded him to leave the women and join the search for the king, whom the conspirators now perceived had escaped them. Every part of the chamber was now diligently examined, every place of probable concealment opened up without success; and after a tedious search, they dispersed through the outer rooms and passages, and from thence extended their scrutiny to the remoter parts of the building.

A considerable time had now elapsed since the first alarm, and although Graham had secured the gates and occupied the outer courts of the monastery by his Highlanders, yet the citizens and the nobles who were quartered in the town, already heard the noise of the tumult, and were hastening to the spot. It seemed exceedingly likely, therefore, that the king would still be saved, for his place of concealment had totally escaped the attention of the conspirators, and every moment brought his rescue nearer. But he was ruined by his own impatience. Hearing no stir, and imagining that they who sought his life had left the place not to return, he called to the women to bring the sheets from the bed, and draw him up again into the apartment; but in their attempt to effect this, Elizabeth Douglas, one of the queen's women, fell down. The noise recalled the conspirators, and at this moment Thomas Chambers, one of Graham's accomplices, who knew the monastery well, suddenly remembered the small closet beneath the bedchamber, and conceiving, if James had not escaped, that he must be there concealed, quickly returned to the apartment. In a moment he discovered the spot where the floor was broken, raised up the plank, and looking in, by the light of his torch perceived the king, and the unfortunate lady who had fallen into the vault; upon which he shouted to his fellows, with savage merriment, to come back, for the bride was found for whom they had sought and carolled all night.[3] The dreadful

[1] Contemporary Account, p. 468.
[2] Ibid.
[3] Contemporary Account, p. 469. "Saying to his felows, Sirs, the spows is foundon,

scene was now soon completed; yet James, strong in his agony, although almost naked, and without a weapon, made a desperate defence. He seized Sir John Hall, who had leapt down, by the throat, and with main strength threw him under his feet; another of the murderers, Hall's brother, who next descended, met with the same fate; and such was the convulsive violence with which they had been handled, that at their execution, a month after, the marks of the king's grasp were seen upon their persons. But the villains being armed with large knives, James's hands and arms were dreadfully lacerated in the struggle. Sir Robert Graham now entered the chamber, and springing down with his drawn sword, threw himself upon his victim, who earnestly implored his mercy, and begged his life, should it be at the price of half his kingdom. "Thou cruel tyrant," said Graham, "never hadst thou compassion upon thine own noble kindred, therefore expect none now." "At least," said James, "let me have a confessor for the good of my soul." "None," cried Graham, "none shalt thou have but this sword!" upon which he wounded him mortally in the body, and the unhappy prince instantly fell down, and, bleeding and exhausted, continued faintly to implore his life. The scene was so piteous, that it is said at this moment to have shook the nerves, and moved the compassion, of the ruffian himself, who was about to come up, leaving the king still breathing, when his companions above threatened him with instant death if he did not finish the work. He then obeyed, and, assisted by the two Halls, completed the murder by repeated wounds.[1]

In this atrocious manner was James the First cut off in the prime of life, and whilst pursuing his schemes for the consolidation of his own power, and the establishment of the government upon a just and equitable basis, with a vigour and impetuosity which proved his ruin. The shocking deed being thus consummated, the traitors anxiously sought for the queen, but by this time she had escaped; and, warned by the increasing tumult in the town, and the alarm in the court, they fled in great haste from the monastery, and were descried crossing the outer moat, and making off in the direction of the Highlands. Sir David Dunbar, brother to the Earl of March, overtook and slew one of their number, after being himself grievously wounded;[2] but he who fell was of inferior note, and the principal conspirators made good their retreat to the Highlands.

On entering the chamber where the murder had been committed, a miserable spectacle presented itself,—the king's naked body bathed in blood, and pierced with sixteen wounds. The lamentable sight, by the pity and execration which it universally inspired, stimulated the activity of pursuit, and whetted the appetite for revenge; and the queen, disdaining to abandon herself to the helplessness of womanly grief, used such unwearied efforts to trace and apprehend the murderers, that in less than a month they were all taken and executed. Little, however, is known as to the exact mode of their apprehension. The principal conspirator, Graham, and some of his accomplices, appear to have escaped into the wilds of Mar; but they were traced to their concealments and seized by two Highland chieftains, John Stewart Gorm, and Robert Duncanson, the ancestor of the ancient family of Robertson of Strowan.[3]

The shocking scenes of torture which preceded their death must not be detailed, and are, it is hoped, chiefly to be ascribed to the ferocity of the times. It must be remembered that at this period the common death of every traitor was accomplished by tor-

wherfor we ben comne, and al this nycht haf carold here."

[1] Contemporary Account, p. 470.

[2] Contemporary Account, p. 471. Fordun a Goodal, vol. ii. p. 503.

[3] Chamberlain Accounts, sub anno 1438. "Et per solucionem factam Johanni Stewart Gorme pro arrestacione Roberti Grahaam traditoris, et suorum complicum, ut patet per literas regis moderni, de precept. sub signeto, et dicti Johannis Stewart de recept. concess. super compotum 56 lib. 13 s. 4 d. Computum Dni Ade fanconar Camerarii Comitatus de Mar." See Illustrations, G.

ture; and in the present instance the atrocity of the murder was thought to call for a refinement and complication in the punishment. Sir Robert Stewart and Thomas Chambers were first taken and brought to Edinburgh, where, after a full confession of their guilt, which unfortunately does not remain, they were beheaded on a high scaffold raised in the market-place, and their heads fixed upon the gates of Perth. Athole, who had been seized by the Earl of Angus, was the next sufferer. After being exhibited to the populace, tied to a pillar in the city, and crowned with a paper diadem, upon which was thrice written the name of traitor, his head was struck off, adorned with an iron crown, and fixed upon the top of a spear. He denied to the last that he was a party to the conspiracy, although he pleaded guilty to the knowledge and concealment of it, affirming that he exerted every effort to dissuade his grandson against such atrocious designs, and believed that he had succeeded. As he was an old man, on the verge of seventy, his fate was not beheld without pity.

Very different were the feelings excited by the execution of the arch-traitor Graham, whose courage and characteristic audacity supported him to the last. He pleaded to his judges, that having renounced his allegiance under his hand and seal, and publicly challenged and arraigned the king as his mortal enemy, he was no longer his subject, but his feudal equal, and that it was lawful for him to slay him wherever they met, without being amenable to any court whatever; seeing, said he, he did no wrong nor sin, but only slew God's creature his enemy.[1] He knew well, he said, that his death was resolved on, but that the time would come when they would gratefully pray for the soul of him who had delivered them from a merciless tyrant, whose avarice was so unbounded that it ruined friends as well as enemies, and preyed alike on the poor and the rich. The firmness with which he endured his complicated sufferings was equal to the boldness of his defence. Nailed alive and naked to a tree, dragged through the city, followed by the executioners, who tore him with pincers, whilst his son was tortured and beheaded before his face, he bore all with amazing fortitude; and when his sufferings became utterly insupportable, warned his tormentors, that if his anguish should drive him to blasphemy, the guilt would rest on their heads who had thus destroyed his soul.[2] Graham was at last beheaded: and this dreadful scene of feudal vengeance, which it is impossible to read in the original account without sentiments of the utmost loathing and horror, concluded with the execution of Thomas Hall, one who had apparently belonged to the household of the Duke of Albany, and who to the last vindicated the share he had taken in the king's death.

There was nothing little in the character of James the First: his virtues and his faults were alike on a great scale; and his reign, although it embraced only a period of thirteen years, reckoning from his return to his assassination, stands forward brightly and prominently in the history of the country. Perhaps the most important changes which he introduced were the publication of the acts of parliament in the spoken language of the land; the introduction of the principle of representation by the election of the commissaries for shires; the institution of the court entitled the "Session;" and the regularity with which he assembled the parliament. Before his time it had been the practice for the laws, the resolutions, and the judgments of the parliament to be embodied in the Latin language; a custom which evidently was calculated to retard improvement, and perpetuate the dominion of barbarism and feudal oppression. Before his time the great body of the judges, to whom the administration of the laws was intrusted, the barons within their regalities, the bailies, the sheriffs, mayors, sergeants, and other inferior officers, were incapable of reading or understanding the statutes; and the importance of the

[1] Contemporary Account, p. 473.

[2] Contemporary Account, p 474.

change from this state of darkness and uncertainty, to that which presented them with the law speaking in their own tongue, cannot be too highly estimated. It is of itself enough to stamp originality upon the character of the king, and to cause us to regard his reign as an era in the legislative history of the country.

Nor was the frequency in the assembling his parliaments of less consequence. Of these convocations of the legislature, no less than thirteen occurred during his brief reign; a striking contrast to their infrequency under the government of his predecessors. His great principle seems to have been to govern the country through the medium of his parliament; to introduce into this august assembly a complete representation of the body of the smaller landed proprietors and of the commercial classes; and to insist on the frequent attendance of the great temporal and spiritual lords, not, as they were formerly wont, in the character of rivals of the sovereign, surrounded by a little court, and backed by numerous bands of armed vassals, but in their accredited station, as forming the principal and essential portion of the council of the nation, bound to obey their summons to parliament upon the same principle which obliged them to give suit and service in the feudal court of their liege lord the king.

Another striking feature in James's reign was his institution of the "Session," his constant anxiety for the administration of justice amongst the middle ranks and the commons, and the frequent and anxious legislative enactments for the severe and speedy punishment of offenders. His determination that "he would make the bracken-bush keep the cow"—that proverb already alluded to, and still gratefully remembered in Scotland[1]—was carried into execution by an indefatigable activity, and a firmness so inexorable as sometimes to assume the appearance of cruelty; but in estimating his true character upon this point it is necessary to keep clearly before our eyes the circumstances in which he found the country, and the dreadful misrule and oppression to which the weaker individuals in the state were subjected from the tyranny of the higher orders. It is impossible, however, to deny that the king was sometimes cruel and unjust; and that when Graham accused him of tyranny and oppression he had perhaps more to say in his vindication than many of our historians are willing to admit. The explanation and, in some little measure, the excuse for this is to be found in the natural feelings of determined and undisguised hostility with which he undoubtedly regarded the family of Albany and their remotest connexions. James considered the government of the father and the son in its true light—as one long usurpation—for although the first few years of Albany's administration as governor had been sanctioned by royal approval and the voice of the parliament, yet it is not to be forgotten that the detention of the youthful king in England extended through the sickening period of nineteen years, during the greater part of which time the return of this prince to his throne and to his people was thwarted, as we have seen, by every possible intrigue upon the part of Albany. This base conduct was viewed by James with more unforgiving resentment from its being crowned with success; for the aged usurper by a quiet death escaped the meditated vengeance, and transmitted the supreme authority in the state to his son, ransomed from captivity for this very end, whilst his lawful prince beheld himself still detained in England. When he did return, therefore, it was not to be wondered at that his resentment was wrought to a high pitch; and deep and bloody as was the retribution which he exacted, it was neither unnatural nor, according to the feelings of those times, wholly unjustifiable.

But making every allowance for the extraordinary wrongs he had suffered, the determination which he appears to have formed of considering every

[1] Fordun a Goodal, vol. ii. p. 511.

single act of Albany's administration, however just it may have been in itself, as liable to be challenged and cut down, necessarily led, when attempted to be acted upon, to a stretch of power which bordered upon tyranny. The dilapidation, indeed, of the crown lands, and the plunder of the royal revenues which had taken place under the government of Albany and his son, afforded James a sufficient ground for resuming a great part of what had originally belonged to him; but as far as we are able to trace his schemes for the re-establishment of the royal authority, and the diminution of the overgrown power of the feudal aristocracy, there does appear about them a stern rigour, and a love of power, little removed from absolute oppression. It is not, therefore, a subject of wonder that this spirit, which was solely directed against his nobles, incurred their bitterest hatred, and ultimately led to his ruin.

If we except his misguided desire to distinguish himself as a persecutor of the Wickliffites, James's love for the Church, as the best instrument he could employ in disseminating the blessings of education, and of general improvement throughout the country, was a wise and politic passion. He found his clergy a superior and enlightened class of men, and he employed their power, their wealth, and their abilities as a counterpoise to his nobility, yet he was not, like David the First, a munificent founder of new religious houses; indeed, his income was so limited as to make this impossible. His efforts were directed to the preservation of the discipline and learning of the Church; to the revival of the custom of holding general councils or chapters, which had been discontinued during his detention in England, but of which three appear to have been assembled during his brief reign; to a personal inspection of the various monasteries and religious establishments during his progresses through the kingdom, and an affectionate reproval if he found they had degenerated from the strictness of their rule, or the sanctity of their deportment.[1]

It is well known that the personal accomplishments of this prince were of a high character. After his return, indeed, his incessant occupation in the cares of government left him little leisure for the cultivation of literature or of the fine arts, but his long detention in England gave him ample opportunities of mental cultivation, of which he appears to have anxiously availed himself. He was a reformer of the language and of the poetry of his country; he sang beautifully, and not only accompanied himself upon the harp and the organ, but composed various airs and pieces of sacred music, in which there was to be recognised the same original and inventive genius which distinguished this remarkable man in everything to which he applied his mind.[2]

In his person James was of the middle size, of a make rather powerful and athletic than elegant, and which fitted him to excel in all martial feats and exercises. Of these he was extremely fond, and we have the testimony of a contemporary that in drawing the bow, in the use of the lance, in horsemanship, wrestling and running, in throwing the hammer, and "putting the stane," few of his courtiers could compete with him. His great strength, indeed, was shewn in the dreadful and almost successful resistance which he made to his murderers. He died in the forty-fourth year of his age, and was buried in the church of the Carthusians at Perth, which he had himself founded. He left by his Queen, Joanna, an only son, James, his successor, then a boy in his seventh year, and five daughters. To two of these, Margaret, who became Queen of France, and Eleanor, who married Sigismund, duke of Austria, their father transmitted his love of literature.[3]

[1] Innes, MS. Chronology, quoted by Chalmers in his Poetic Remains of the Scottish kings, pp. 8, 16. Fordun a Goodal, vol. ii. p. 508.

[2] Fordun a Goodal, vol. ii. p. 504.

[3] The story of the Dauphiness and Alain

James's remaining daughters were Isabella, married to Francis, duke of Bretagne; Mary, who took to her husband the Count de Boncquan, son to the Lord of Campvere; and lastly, Jane, wedded to the Earl of Angus, and subsequently to the Earl of Morton.

HISTORICAL REMARKS

ON THE

DEATH OF RICHARD THE SECOND.

It is generally known that much obscurity hangs over the common stories relative to the death of Richard the Second, and that Henry the Fourth was greatly annoyed by reports of the captive king having escaped to Scotland; reports which he, of course, invariably treated as false, and which all our modern historians, both of England and of Scotland, have been disposed to consider fabulous: some contenting themselves with a brief notice that an impostor appeared under the name of Richard the Second, and others passing over the circumstance altogether.

In investigating this obscure part of our history, it was lately my fortune to discover some very interesting evidence, which induced me to believe that there was much more truth in these reports than I was at first disposed to admit. This led to an examination of the whole proofs relative to Richard's disappearance and alleged death in England; and the result was a strong conviction that the king actually did make his escape from Pontefract castle; that he succeeded in conveying himself to Scotland, where he was discovered, detained, and supported by Robert the Third and the Duke of Albany; and that he actually died in that country long after his reputed murder in England. I am well aware that this is a startling proposition, too broadly in the face of long-established opinion, to be admitted upon any evidence inferior almost to demonstration. It is quite possible, also, that there may exist, in the manuscript treasures of the public libraries of England or of France, absolute proof that Richard was murdered, or that he died in prison; and one great object of these observations will be attained if they have the effect of directing the attention of the learned to the further investigation of a subject still very obscure. In the meantime, I trust I shall succeed in shewing that my hypothesis as to Richard's escape, for it pretends to no higher name, is supported by a body of direct as well as of negative evidence, superior to that which could be adduced upon many other historical facts, the truth of which has not been questioned by the most fastidious and sceptical writers.

It is stated by Bower, or Bow-maker, the continuator of Fordun, and one of the most ancient and authentic of our early historians, that Richard the

Chartier is well known. Finding this famous poet asleep in the saloon of the palace, she stooped down and kissed him—observing to her ladies, who were somewhat astonished at the proceeding, that she did not kiss the man but the mouth which had uttered so many fine things, a singular, and, as they perhaps thought, too minute a distinction. Menagiana, vol. ii. p. 130.

Eleanor, although equally fond of literature, confined herself to a more decorous mode of exhibiting her predilection, by translating the romance of Ponthus et Sidoyne into German for the amusement of her husband.

Second found means to escape from Pontefract castle; that he succeeded in conveying himself to the Scottish isles; and, travelling in disguise through those remote parts, was accidentally recognised and discovered, when sitting in the kitchen of Donald, lord of the Isles, by a jester who had been educated at the court of the king. The same historian proceeds to say that Donald of the Isles sent him, under the charge of Lord Montgomery, to Robert the Third, with whom, as long as the Scottish monarch lived, he was supported as became his rank; and that, after the death of this king, the royal fugitive was delivered to the Duke of Albany, then governor of Scotland, by whom he was honourably treated; and he concludes this remarkable sentence, which I have given nearly in his own words, by affirming that Richard at length died in the castle of Stirling, and was buried in the church of the preaching friars, on the north side of the altar.[1]

In another part of his history, the same writer, in describing the devastations committed by Richard in his expedition into Scotland, alludes in equally positive terms, and almost in the same words, to his subsequent escape into that country, and his being discovered by Donald of the Isles;[2] and again, in the passage in which he mentions the death of Robert the Third, the same historian remarks that about this time many persons fled out of England from the face of Henry the Fourth, and came to King Richard in Scotland; amongst whom were Henry Percy the elder, with his grandson, Henry Percy the younger, who had come a little before this, and being of the same age with James the First, had been brought up with him in the castle of St Andrews. At the same time, he continues, there came also the Lord Bardolf, two Welsh prelates, the Bishops of St Asaph and of Bangor, the Abbot of Welbeck, and other honourable persons; but, he adds, King Richard would in nowise be persuaded, either by the governor or by any other persons, to have a private interview with the Earl of Northumberland.[3] Lastly, under the events of the year 1419, the historian has this brief entry:—"In this year died Richard, King of England, on the Feast of St Luke, in the castle of Stirling."[4] These passages are sufficiently direct and positive: and in estimating the weight to which they are entitled, it must be remembered that Bower states them upon his own knowledge; that he was a contemporary engaged in the collection of materials for his history at the period in question; and that, from his rank in the Church, from his employment in responsible offices of state, and his connexion with those best able to give him information upon this subject, his evidence is of

[1] Fordun a Goodal, vol. ii. p. 427. "Isto modo rex Ricardus fuit regno privatus et perpetuis carceribus, cito deficiendus deputatus; sed subtiliter abinde ereptus, et ad insulas Scotiæ transvectus, et in coquina Dovenaldi domini Insularum, a quodam fatuo qui in curia Regis Ricardi dum floreret, educatus fuerat cognitus et repertus, et a dicto domino Insularum ad Regem Scotiæ Robertum Tertium per Dominum de Monte-Gomorry transmissus, cum quo dum Rex Scotiæ vixerat reverenter, ut decuit, procuratus, et post mortem regis Duci Albaniæ gubernatori Scotiæ presentatus; cum quo regifice quoad statum honoratus, tandem in castro de Strivelyn mortuus, et in ecclesia fratrum ejusdem ad aquilonare altaris cornu ejusdem tumulatus."—"Hic Ricardus fuit filius Edwardi principis Walliæ, filii Eduardi Windesor, qui rexit annis viginti duobus; mortuus sine liberis."

[2] Ibid. vol. ii. p. 402. "Unde ad id deventum est, ut ipse idem Rex Ricardus II., qui olim in florenti majestate sua, stipatus, turmis militum, et multitudine clientum, Salomoni magno in expensis æquiparabatur, tandem carceres evadens, insulas Scotiæ petens, cognitus est a quodam fatuo, qui in sua curia ante hoc educatus fuerat, et inventus in culina, tanquam vilis elixa, Dovenaldi domini Insularum."

[3] Fordun a Goodal, vol. ii. p. 441. "His diebus fugerunt multi de Anglia a facie regis Henrici IV., et in Scotiam ad regem Ricardum venerunt. Venit enim Henricus Percy, senior, cum nepote suo Henrico juniore qui paulo ante venerat et cum principe nostro Jacobo I. cœvus in Castro Sancti Andreæ extiterat. Venitque tunc temporis, dominus de Bardolf, cum diversis honestis personis, et duo Episcopi Wallenses—viz., Dominus Griffinus Episcopus Bangorenus et alius episcopus,—viz., Assavensis et Abbas de Welbeck. Quo in tempore rex Angliæ Ricardus non potuit in duci, neque per gubernatorem nec alios quos cunque adhabendum familiare colloquium cur Comite Northumbriæ."

[4] Ibid. vol. ii. p. 459.

an unexceptionable kind. It is indeed true that in the remote annals of the country he may be convicted of error; but with regard to events falling within the range of his own personal observation Bower is entitled to high credit; and he assuredly does not throw out the slightest suspicion as to the identity of the king.

But the credit due to this passage is much strengthened by the circumstance that he is corroborated in the greater part, if not in the whole of his story by another valuable original writer, Andrew Winton, whose testimony cannot be regarded as borrowed from Bower, as we know that his Chronicle was completed before the history of Bower was begun.[1] It is stated by this historian, in a passage of singular simplicity, of the contents of which I now give a literal transcript, "that after Richard's deposition by King Henry the Fourth, he was confined in the Tower of London; they then," says he, "brought him to Pontefract, where he was delivered to two gentlemen of rank and reputation, named Swinburn and Waterton, who felt compassion for him, and spread a report of the king's death; after which there arose a rumour that King Richard was still alive." Winton then proceeds to say "that he will tell how this report arose, as he heard, although he possesses no information as to the manner in which the king effected his escape from Pontefract. But," says he, "at this time a poor traveller appeared in the *Oute Isles* of Scotland; and it happened that he was met by a lady of the family of Bisset, a daughter of an Irish lord, who was wedded to the brother of the Lord of the Isles. She had before seen the king in Ireland, and she immediately declared to her husband that this traveller was King Richard; upon which he called him, and inquired whether this was true; but he denied it, and would not allow that it was so. However," continues Winton, "they sent this person to the Lord Montgomery in haste, and afterwards he was kept by Robert, king of Scotland; then he was held for some time by the Lord of Cumbernauld; and lastly delivered to the Duke of Albany, who kept him for a long time after this." The historian then concludes his notice of this mysterious person by the following observation:—"Whether he had been the king or not, there were few who knew for certain. He was little inclined to devotion, and seldom shewed a desire to hear mass; from the manner in which he conducted himself, it seemed likely that he was half mad or wild."[2] Such is almost a

[1] Winton, by M'Pherson, preface, p. 22. "It was at his request (Sir John of the Wemyss) that he undertook his Chronicle, 1 Prolog. 54, which was finished between the 3d of September 1420 and the return of King James from England in 1424, as appears by Robert duke of Albany being mentioned as dead, and the prayer for the prosperity of his children, ix. xxvi. 51."—"Bower was born in 1385. In 1403, when eighteen years old, he put on the habit; he afterwards completed his theological studies at Paris; and having returned to Scotland, was elected Abbot of Inchcolm in 1418. After this, he was employed in various offices of trust under the government; and at length, in 1441, began his continuation of Fordun, whose Collectanea he had in his possession."—Goodal's Preface to Fordun, p. 3.

[2] After describing Richard's deposition, Winton thus proceeds—vol. ii. pp. 387, 388, 389:—

"Wythoutyn dout the court wes hard
Wyth this forsaid King Richard,
For in the Toure of Londone syne
Haldyne he wes a quhile in pyne:
And eftyre that on purpos set
Thai brocht hym north on til Powmfret;
Thare wes he delyverit then
Tyl twa wele trowit famous men,
Swynburn and Wattyrton,
Men of gud reputacioune;
Thare he bade, and wes hard stade,
Gret pitè of hym thir gud men had,
The word in Yngland thai gert spred
That this Richard king wes dede,
Bot eftyr that thare ras tithand,
That this King Richard wes livand.
And quhon that rais, I will tel here
As I hard thare-of the manere.
Bot I can nocht tell the case
Off Poumfret as he chapit wase.
"Bot in the Owt-Ilys of Scotland than
Thare wes traveland a pure man,
A Lordis douchtyr of Ireland
Of the Bissetis, thare dwelland
Wes weddit wyth a Gentylman,
The Lord of the Ilys bruthir than,
In Ireland before quhen scho had bene.
And the King Richard thare had sene,
Quhen in the Islis scho saw this man,
Scho let that scho weil kend hym than,
Til hir Maistere sone scho past
And tauld thare til hym als-sa fast,
That he wes that King of Yngland
That scho be-fore saw in Ireland,

literal translation of Winton's testimony, who was prior of Lochleven at the time of Richard's appearance, and must have had the best opportunities of informing himself of the truth of the story. He cautiously, indeed, declines giving us his own opinion upon the subject, contenting himself with declaring that few knew for certain whether this mysterious person was the king; but this, I think, may be accounted for from his high admiration of Albany, and his evident desire not to reveal anything which might throw a stain upon his government, or that of his son, Duke Murdoch.

We know, from his own words, that Winton regarded Henry the Fourth as an unprincipled usurper, who had unjustly dethroned the rightful king;[1] and to have admitted that Albany detained Richard in an honourable captivity, whilst he recognised the title of Henry to the throne, would have little corresponded with the high character which he has elsewhere given of him. This disposition of the historian is strikingly illustrated by the manner in which he passes over the murder of the Duke of Rothesay. It is now established by undoubted evidence that the prince was murdered by Albany and Douglas; yet Winton omits the dreadful event, and gives us only a brief notice of his death.[2] And I may observe, that in his account of the deposition of Henry, and the subsequent escape of Richard into Scotland, he has introduced a remark which is evidently intended as an apology to the reader for the concealment of part of the truth. "Although," says he, "everything which you write should be true, yet in all circumstances to tell the whole truth is neither needful nor speedful."[3]

Yet although the cautious Prior of Lochleven did not choose to commit himself by telling the whole truth, he states two remarkable circumstances which do not appear elsewhere. The first of these is the denial, by the person in question, that he was the king, when he was discovered by Donald of the Isles: a very extraordinary step certainly to be taken by an impostor, but a natural one to be adopted by the fugitive king himself, for at this time Donald of the Isles was in strict alliance with Henry the Fourth.[4] The second is the new fact, that Richard was delivered at Pontefract to two trustworthy and well-known gentlemen, Swinburn and Waterton. Such strict secrecy was observed by Henry as to the mode in which the dethroned monarch was conveyed to Pontefract, and the persons to whose custody he was intrusted, that neither in the state papers of the time nor in the contemporary English historians is there any particular information upon the subject. But it is certain that Sir Thomas Swinburn and Sir Robert Waterton were two knights in the confidence and employment of Henry, and that Waterton, in particular, was steward of the honour of Pontefract;[5] a

Quhen he wes therein before
As scho drew than to memore;
Quhen til hir Mastere this scho had tauld,
That man rycht sone he tyl hym cald.
And askit hym, gyf it wes swa.
That he denyit; and said nocht, Ya.
Syn to the Lord of Montgwmery
That ilke man wes send in hy;
That ilke man syne eftyr that
Robert oure King of Scotland gat,
The Lord als of Cumbirnald
That man had a quhile to hald.
The Duke of Albany syne hym gat,
And held him lang tyme efter that:
Quhethir he had bene king, or nane,
Thare wes bot few, that wyst certane.
Of devotioune nane he wes
And seildyn will had to here Mes,
As he bare hym, like wes he
Oft half wod or wyld to be."

[1] Winton, vol. ii. p. 386.

[2] Winton's Chronicle, vol. ii. p 397.

[3] Winton's Chronicle, vol. ii. pp. 383, 384.

"And in al thing full suth to say
Is noucht neidful na speidful ay.
Bot quhat at suld writyn be
Suld be al suth of honestè."

[4] Rotuli Scotiæ, vol. ii. pp. 155, 156.

[5] Whitaker's Loidis and Elmete, p. 269. Waterton was Master of the Horse to Henry the Fourth, who employed him in a foreign mission to the Duke of Gueldres. Cottonian Catalogue, p. 245. No. 88, also p. 244. In May 7, 1404, Sir Thomas Swinborne was sent on a mission to the magistrates of Bruges. Ibid. p. 244. See also Fordun a Goodal, vol. ii. p. 428. I have much pleasure in acknowledging the polite and friendly attention of Sir John Swinburn, Bart. of Capheaton, to my inquiries upon this subject. From his information I am enabled to state, that although

circumstance which tends strongly to corroborate the account of Winton, and to shew that, although he did not think it prudent to tell the whole truth, he yet possessed sources of authentic information. There is no mention of Winton in Bower's additions to Fordun—a strong proof, I think, that this last author had never seen his Chronicle; so that we are entitled to consider these two passages as proceeding from two witnesses, who, being unconnected with each other, yet concur in the same story. Nor is it difficult to account for the more particular and positive account of Bower, if we recollect that this author composed his history under the reign of James the Second; twenty years after Winton had completed his Chronicle, when all were at liberty to speak freely of the actions and character of Albany, and time had been given to this writer to investigate and discover the truth.

In an ancient manuscript in the Advocates' Library, which I conjecture to have been written posterior to the time of Fordun, and prior to the date of Bower's Continuation, I have found three passages which corroborate the accounts of this author and of Winton in a striking manner. The manuscript is entitled "Extracta ex Chronicis Scotiæ," and at folio 254 has the following passage:—"Henry Percy, earl of Northumberland, with his nephew Henry the younger, and many others of the prelates and nobles of England, who fled from the face of Henry the Fourth, came into Scotland to King Richard, at this time an exile, but well treated by the governor." [1] In another part of the same manuscript, the account given of the death of Richard by Bower is thus briefly but positively confirmed, with the valuable addition of the monkish or leonine epitaph inscribed above his tomb:—"Richard the Second, king of England, died in the castle of Stirling, in the aforesaid year, and was buried on the Feast of St Lucie the Virgin, on the north side of the high altar of the Preaching Friars;" above whose royal image there painted, it is thus written:

"Angliæ Ricardus jacet hic rex ipse sepultus.
Loncaste quem Dux dejecit arte, mota pro dicione
Prodicione potens, sceptro potitur iniquo.
Supplicium luit hunc ipsius omne genus.
Ricardum inferis hunc Scotia sustulit annis
Qui caustro Striveling vite peregit iter
Anno milleno quaterceno quoque deno
Et nono Christi regis finis fuit iste." [2]

The church of the Dominican friars at Stirling has long since been destroyed, and other buildings erected on its site. It existed, however, in the time of Boece, who mentions the inscription over Richard's tomb as being visible in his day.[3] Such being the clear and positive statements of these respectable contemporary writers, whilst, as I shall afterwards shew, the accounts of the reputed death of the king by the English historians were extremely vague and contradictory, and the reports of his escape frequent, I certainly did not feel disposed to follow Buchanan, and the whole body of English and Scottish historians who succeeded him, in treating the story as fabulous, or in considering the person whom Bower so positively asserts to have been the king as an impostor.

Having proceeded thus far in these researches, I began the examination of that part of the Chamberlain Accounts, which forms the continuation of those valuable unpublished records, of which I have already given a description, in the Notes and Illustrations to the first volume of this history. It contains the accounts of the great chamberlains and other ministers of the crown during the

in his own family there is no evidence, either written or traditionary, on the subject of Richard the Second, yet in the family of the present Mr Waterton of Walton Hall, the descendant of Sir Robert Waterton, Master of the Horse to Henry the Fourth, there is a long established tradition, that his ancestor had the charge of Richard the Second in Pontefract castle.

[1] "Percy Henricus Comes Northumbriæ cum nepote suo Henrico minore et multi alii nobiles Angliæ ac prælati fugientes a facie Henrici quarti Regis Angliæ Scotiam venerunt ad regem Ricardum exulem, per gubernatorem bene tractati."—Extracta ex Chronicis Scotiæ, folio 254. MS. Adv. Lib.

[2] Extracta ex Chronicis Scotiæ fol. 263, dorso.

[3] Boece, Hist. p 1339.

government of the Duke of Albany; and in examining them with that deep interest which such authentic documents demanded, I came upon the following extraordinary passages, which I shall translate literally from the Latin. The first occurs at the end of the accounts for the year 1408, and is as follows:—"Be it remembered also, that the said lord governor, down to the present time, has neither demanded nor received any allowance for the sums expended in the support of Richard, king of England, and the messengers of France and of Wales, at different times coming into the country, upon whom he has defrayed much, as is well known."[1] Again, at the conclusion of Accounts for the year 1414, the following passage is to found:—"Be it remembered also, that our lord the duke, governor of the kingdom, has not received any allowance or credit for the expenses of King Richard incurred from the period of the death of his brother, our lord the king of good memory, last deceased."[2] The same memorandum, in precisely the same words, is inserted at the termination of the Chamberlain Accounts for the year 1415;[3] and lastly, at the conclusion of the year 1417, there is this passage:—"Be it remembered, that the lord governor has not received any allowance for the expenses and burdens which he sustained for the custody of King Richard of England from the time of the death of the late king, his brother of good memory, being a period of eleven years, which expenses the lords auditors of accounts estimate at the least to have amounted annually to the sum of a hundred marks, which for the past years makes in all £733, 6s. 8d."[4]

The discovery of these remarkable passages in records of unquestionable authenticity was very satisfactory. I considered them as affording a proof, nearly as convincing as the nature of the subject admitted, that the story given by Bower and by Winton was substantially true; as establishing upon direct evidence, which hitherto I can see no cause to suspect, the fact so positively asserted during the reign of Henry the Fourth and Henry the Fifth, that Richard the Second had escaped into Scotland, and lived there for many years after his reputed death in England. That an impostor should, as we learn from Winton, deny that he was the king, or that, in the face of this denial, a poor maniac should be supported at great expense, and detained for more than eleven years at the Scottish court, seems to me so extravagant a supposition, that I do not envy the task of any one who undertakes to support it. It was due, however, to the respectable historians who had adopted the common opinion regarding the death of Richard in 1399, that the evidence upon which they proceeded should be diligently weighed and examined. This I have done, with an earnest desire to arrive at the truth in this mysterious story, and the result has been the discovery of a body of negative evidence, superior, I think, to that which could be brought in support of most historical facts.

And here I may first remark, that there is no certain proof furnished by contemporary English writers that Richard the Second either died or was murdered in Pontefract castle; the accounts of the best historians being not only vague and inconsistent with each

[1] "Et memorandum quod dictus Dominus Gubernator regni non peciit neque recepit ad presens aliquam allocationem pro expensis suis factis super Ricardum regem Angliæ; Nuncios Franciæ vel Walliæ diversis vicibus infra regnum venient: circa quos multa exposuit, ut est notum."—Rotuli Compotorum, vol. iii. p. 18.

[2] "Et memorandum quod dominus dux gubernator regni non recepit allocationem aliquam pro expensis regis Ricardi, a tempore obitus bone memorie Domini regis fratris sui ultimo, defuncti."—Rotuli Compotorum, vol. iii. p. 69.

[3] Id. vol. iii. p. 78.

[4] "Et memorandum quod dominus gubernator non recepit allocacionem pro expensis et oneribus quas sustinuit pro custodia regis Ricardi Anglie, a tempore obitus bone memorie quondam domini regis fratris sui, jam per undecim annos. Quas expensas annuatim dni auditores compotorum estimant ad minus fuisse in quolibet, anno centum marcas. Quæ summa se extendit pro annis præteritis ad viic xxxiii lib. vi sh. viii d. quæ summa debetur domino duci."—Id. p. 95.

other, but many of them such as can easily be proved to be false by unexceptionable evidence. So much, indeed, is this the case, that some ingenious English authors have of late years attempted to clear up the mass of obscurity and contradiction which hangs over the fate of Richard, and after having done all which could be accomplished by erudition and acuteness, have been compelled to leave the question, as to the manner of his death, in nearly the same uncertainty in which they found it.[1]

Walsingham, a contemporary historian of good authority, although attached to the house of Lancaster, affirms that, according to common report, "*ut fertur*," he died by a voluntary refusal of food, on the 14th of February 1399. "Richard," says he, "the former king of England, when he had heard of these disasters, became disturbed in his mind, and, as is reported, put an end to his life by voluntary abstinence, breathing his last at Pontefract castle on St Valentine's day."[2] Thomas of Otterburn, however, who was also a contemporary, gives a story considerably different: for he informs us that the king, although he at first determined to starve himself to death, afterwards repented, and wished to take food, but that in consequence of his abstinence the orifice of the stomach was shut, so that he could not eat, and died of weakness. "When Richard," he observes, "the late King of England, who was then a prisoner in Pontefract castle, had learnt the misfortune of his brother John of Holland, and the rest of his friends, he fell into such profound grief, that he took the resolution of starving himself, and, as it is reported, he so long abstained from food, that the orifice of his stomach was closed; so that when he was afterwards persuaded by his keepers to satisfy the craving of nature, by attempting to take nourishment, he found himself unable to eat, and his constitution sinking under it, he expired in the same place on St Valentine's day."[3]

In direct opposition to this story of death by voluntary abstinence, (a mode of extinction which is pronounced by an excellent historian to be inconsistent with the previous character of the king,)[4] a completely different tale is given by the author of a French manuscript work, in the Royal Library at Paris, who seems to be the first to whom we owe the introduction of Sir Piers Exton, and his band of eight assassins, who murdered Richard with their halberts and battle-axes. This account has been repeated by Fabyan and Hall in their Chronicles, by Hayward in his Life of Richard, and, in consequence of its adoption by Shakspeare, has become, and will probably continue, the general belief of Europe. For a complete exposure of the falsehood of this tale of assassination, I shall content myself with a simple reference to Mr Amyot's paper on the death of Richard the Second, which is printed in the Archæologia.[5]

There is lastly a class of contemporary authorities which ascribe the death of the king neither to voluntary abstinence nor to the halbert of Sir Piers Exton—but to starvation by his keepers. The manuscript Chronicle of Kenilworth uses expressions which amount to this:—"Fame et siti, ut putatur, dolenter consummatus." A Chronicle, in the Harleian collection, the work of Peter de Ickham, is more positive:—"A cibo et potu per iv. aut v. dies restrictus, fame et inedia expi-

[1] See the learned dissertations of Mr Webb and Mr Amyot, in the twentieth volume of the Archæologia.

[2] Walsingham, p. 363. "Ricardus quondam rex Angliæ cum audisset hæc infortunia, mente consternatus, semetipsum extinxit inedia voluntaria, ut fertur, clausitque diem extremum apud castrum de Pontefracto die Sancti Valentini.

[3] Otterburn, pp: 228, 229. "Ricardus quondam rex Angliæ in castro de Pontefracto existens custoditus, cum audisset infortunium fratris sui Joannis Holland, et ceterorum, in tantam devenit tristitiam, quod semet inedia voluit peremisse, et tantum dicitur abstinuise, quod clauso orificio stomachi, cum ex post, consilio custodum, voluisset naturæ satisfecisse comedendo, præcluso omni appetitu comedere non valeret, unde factum est, ut natura debilitata, defecerit, et die Sancti Valentini, diem clausit supremum ibidem."

[4] Turner. Hist. of England, vol. ii. p. 352

[5] Archæologia, vol. xx. pp. 427, 428.

ravit." Hardyng, the chronicler, who was a contemporary, and lived in the service and enjoyed the confidence of Hotspur and his father, repeats the same story.[1] Whilst we thus see that the accounts of so many writers who lived at the time are completely at variance—one saying that he starved himself, another that he repented, and wished to eat, but found it too late, and died; a third, that it took all the efforts of Exton and his accomplices, by repeated blows, to fell him to the ground; and the last class of writers, that his death was occasioned by his keepers depriving him of all nourishment—the proper inference to be drawn from such discrepancies in the various accounts amounts simply to this, that about this time the king disappeared, and no one knew what became of him.

It may be said, however, that all contemporary writers agree that the king did die, although they differ as to the manner of his death; yet even this is not the case: on the contrary, the belief that he had escaped, and was alive, seems to have been entertained in England by many, and those the persons most likely to have access to the best information, almost immediately after his being committed to Pontefract, and apparently before there was time to have any communication with Scotland. This can be very convincingly shewn.

Some time after Richard had been conveyed with great secrecy to his prison in Pontefract castle, and previous to his reported death, a conspiracy was formed against Henry the Fourth by the Earls of Kent, Salisbury, and Huntingdon.[2] These noblemen, along with the Bishop of Carlisle and the Abbot of Westminster, were the chief actors in the plot; but they had drawn into it many persons of inferior rank, and, amongst the rest, Maudelain, a priest, who had been a favourite of the king, and who resembled him so completely in face and person, that it is said the likeness might have deceived any one.[3] Their design was to murder Henry at a tournament which they were to hold at Windsor, and to restore King Richard. After everything, however, as they supposed, had been admirably organised, the plot was betrayed to Henry by one of their own number; and on arriving at Windsor, they found that their intended victim had fled to London. They now changed their purpose, and marched to Sunning, near Reading, where Richard's youthful queen resided, who had not at this time completed her ninth year. Here, according to the accounts of Walsingham and Otterburn, the Earl of Kent, addressing the attendants and friends of the queen, informed them that Henry of Lancaster had fled to the Tower of London, and that they were now on their road to meet King Richard, their lawful prince, who had escaped from prison, and was then at the bridge of Radcote with a hundred thousand men.[4] The last part of the assertion was undoubtedly false; the first clause of the sentence contains the first assertion of Richard's escape which I have met with; and I may remark, that with the exception of the two dignified ecclesiastics, none of the conspirators, whose testimony could have thrown light upon the subject, were suffered to live. The Earls of Surrey and of Salisbury were taken and executed at Cirencester; the Lords Lumley and Despencer shared the same fate at Bristol; the Earl of Huntingdon was seized near London, and beheaded at Pleshy; two priests, one of them Maudelain, whose extraordinary likeness to the king has been already noticed, with another named Ferriby, were executed at London; Sir Bernard Brocas and Sir John Shelly shared their fate; and others, whose names Walsingham has not preserved,

[1] Chron. Harl. MS. 4323, p. 68. Archæologia, vol. xx. p. 282.

[2] Walsingham, pp. 362, 363.

[3] Metrical History of Deposition of Richard the Second, Archæologia, vol. xx. p. 213.

[4] The expressions of Walsingham, p. 363, are slightly different from those of Otterburn. Walsingham's words are, "Quia jam evasit de carcere et jacet ad Pontem-fractum cum centum millibus defensorum." Those of Otterburn are, "Qui jam evasit carcere et jacet ad pontem de Radcote cum 100,000 hominum defensionis," pp. 225, 226.

suffered at Oxford.[1] Rapin has asserted that both the ecclesiastics who were involved in the plot, the Abbot of Westminster and the Bishop of Carlisle, died almost immediately—the abbot of a stroke of apoplexy, and the bishop of absolute terror;[2] but this is an error. The Bishop of Carlisle, who was tried and pardoned, undoubtedly lived till 1409. And although the Abbot of Westminster appears to have died of apoplexy, neither the cause nor the time of his death agree with the story in Rapin.[3] It is quite clear, however, that previous to Richard's reported death it was asserted that he had escaped from Pontefract castle.

A contemporary French manuscript, being a Metrical History of the Deposition of Richard the Second, which has been translated and published by Mr Webb in the Archæologia, whilst it confirms the story of Richard's alleged escape, adds, that to induce the people to believe it, they brought Maudelain the priest with them, and dressed him up to personate the king. The passage, which is as follows, is amusing and curious:—"They," says this author, speaking of the conspirators, "had many archers with them. They said that good King Richard had left his prison, and was there with them. And to make this the more credible, they had brought a chaplain, who so exactly resembled good King Richard in face and person, in form and in speech, that every one who saw him certified and declared that he was the old king. He was called Maudelain. Many a time have I seen him in Ireland, riding through the country with King Richard, his master. I have not for a long time seen a fairer priest. They armed the aforesaid as king, and set a very rich crown upon his helm, that it might be believed of a truth that the king was out of prison."[4] I have given this passage from the metrical history, because I wish the reader to be possessed of all the contemporary evidence which may assist him in the discovery of the truth; whilst I acknowledge, at the same time, that the additional circumstance as to the personification of Richard by Maudelain the priest seems at first to militate against the accuracy of the story as to Richard's escape. It ought to be remembered, however, that Walsingham says nothing of this personification; and his evidence, which is that of a contemporary in England, ought to outweigh the testimony of the French Chronicle, which in this part is avowedly hearsay. Neither does Otterburn mention this circumstance, although it was too remarkable to be omitted if it really occurred.

There is, however, another manuscript in the library of the King of France, entitled, "Relation de la prise de Richard Seconde, par Berry Roy d'Armes," which in some measure enables us to reconcile this discrepancy. According to the account which it contains, it was resolved at the meeting of the conspirators, which was held in the house of the Abbot of Westminster, that "Maudelain was to ride with them, to represent King Richard;" but this plan was not afterwards carried into execution. It appears from the same manuscript that Henry himself, when marching against the conspirators, believed the story of Richard's escape. This, I think, is evident from the following passage:—"Next morning, Henry set out to meet his enemies, with only fifty lances and six thousand archers; and drawing up his men without the city, waited three hours for his reinforcements. Here he was reproached by the Earl of Warwick for his lenity, which had brought him into this danger; but he vindicated himself for his past conduct, adding, 'that if he should meet Rich-

[1] Metrical Hist. of Deposition of Richard the Second, p. 215. Archæologia, vol. xx.

[2] Rapin, vol. i. p. 490. Fol. ed. London, 1732.

[3] Godwin, p. 767.

[4] Archæologia, vol. xx. pp. 213, 214. Translation of a French Metrical History of the Deposition of Richard the Second, with prefatory observations, notes, and an appendix, by the Rev. John Webb. Mr Webb's notes are learned and interesting, and have furnished me with some valuable corroborations of the truth of my theory as to Richard's fate. In the above passage, Mr Webb translates "le roy ancien" "the old king:" "the former king" would express the meaning more correctly.

ard now, one of them should die.'"[1] I do not see how Henry could have expressed himself in this way to the Earl of Warwick, unless he then believed that Richard had really escaped, and was about to meet him in the field.

It was almost immediately after the suppression of this conspiracy, and the execution of its authors, that Richard was reported to have died in Pontefract castle; and we now come to the consideration of an extraordinary part of the story, in the exposition of the dead body by Henry, for the purpose of proving to the people that it was the very body of their late king. Of this ceremony Otterburn gives the following account:—"His body was carried and exposed in the principal places intervening betwixt Pontefract and London; that part, at least, of the person was shewn by which he could be recognised—I mean the face, which was exposed from the lower part of the forehead to the throat. Having reached London, it was conveyed to the church of St Paul's, where the king, along with some of his nobles, and the citizens of London, attended the funeral, both on the first and the second day; after the conclusion of the mass, the body was carried back to Langley, in order to be there interred amongst the Preaching Friars; which interment accordingly took place, being conducted without any pomp by the Bishop of Chester and the Abbots of St Albans and of Waltham."[2] The manner in which this funeral procession to St Paul's was conducted is minutely described in the following passage, extracted by Mr Allen from the manuscript in the Royal Library at Paris, already quoted:—"In the year 1399–1400, on the 12th day of March, was brought to the church of St Paul of London, in the state of a gentleman, the body of the noble king Richard. And true it is, that it was in a carriage which was covered with a black cloth,[3] having four banners thereupon, whereof two were the arms of St George, and the other two the arms of St Edward; to wit, Azure over all a cross Or; and there were a hundred men all clad in black; and each bore a torch. And the Londoners had thirty torches and thirty men, who were all clad in white, and they went to meet the noble King Richard; and he was brought to St Paul's, the head church of London. There he was two days above ground, to shew him to those of the said city, that they might believe for certain that he was dead; for they required no other thing."[4]

This ceremony took place on the 12th of March 1399, nearly a month after the king's reputed death on the 14th of February; and it would appear, from the expressions which are employed, that the citizens of London believed that Richard had escaped, and was alive, and that the exposure of the body was resorted to by Henry as the most probable means of putting down this dangerous report. The question now immediately arises, if Richard was alive, according to the theory which I entertain, in what manner are we to account for this ceremony at St Paul's, and for the body lying in state at the different churches between Pontefract and London? My answer is, that the whole was a deception, ingeniously got up for the purpose of blinding the people, but when narrowly examined, betraying the imposition in a very palpable manner. It is accordingly positively asserted by the contemporary author of the French metrical history

[1] Archæologia, vol. xx. pp. 218, 219. From this curious manuscript, which belonged to the celebrated Baluze, large extracts were made by Mr Allen, Master of Dulwich College, a gentleman of deep research in English history, and communicated to Mr Webb, from whose notes I have taken them.

[2] Otterburn, p. 229.

[3] "There is a curious representation of this chariot in the fine illuminated Froissart in the British Museum, from whence it appears that the carriage was drawn by two horses, one placed before the other, as the five horses were placed in the French carriage of Henry VII., as described by Hall, vol. iii. p. 800."—Gough's Sepulchral Monuments, vol. iii. p. 166.

There is in the same MS. a portrait of Richard the Second when going to arrest the Duke of Gloucester at Pleshy. Archæologia, vol. vi. p. 315.

[4] French Metrical History. Archæologia, vol. xx. p. 221.

of Richard's deposition, that the body thus exposed in London was not that of the king, but of Maudelain the priest. I give the passage in Mr Webb's translation:—"Then was the king so vexed at heart by this evil news, that he neither ate nor drank from that hour: and thus, as they say, it came to pass that he died. But, indeed, I do not believe it; for some declare for certain that he is still alive and well, shut up in their prison;—which is a great error in them; although they caused a dead man to be openly carried through the city of London, in such pomp and ceremony as becometh a deceased king, saying that it was the body of the deceased King Richard. Duke Henry there made a show of mourning, holding the pall after him, followed by all those of his blood in fair array, without regarding him, or the evils that they had done unto him. . . Thus, as you shall hear, did they carry the dead body to St Paul's, in London, honourably and as of right appertaineth to a king. But I certainly do not believe that it was the old king; but I think it was Maudelain, his chaplain, who, in face, size, height, and make, so exactly resembled him, that every one firmly thought it was good King Richard. And if it were he, morn and night I heartily make my prayer to the merciful and holy God that he will take his soul to heaven."[1]

A late author, Mr Amyot, in an ingenious paper in the Archæologia, considers that the circumstance of Maudelain having been beheaded rendered such deception impossible. To the support of my ideas as to Richard's escape it is of little consequence whether Maudelain's remains were employed, or some other mode of deception was resorted to—all that I contend for is, that the body thus carried in a litter, or car, to St Paul's was not that of the king. Now, the more narrowly we examine the circumstances attending this exposition of the body at St Paul's, the more completely shall we be convinced, I think, that the French historian is correct, and that it was not the true Richard. Of the king's person a minute description has been left us by the monk of Evesham. "He was of the common or middle size, with yellow hair, his face fair, round, and feminine, rather round than long, and sometimes flushed and red."[2]

Keeping in mind this description of the person of the real Richard, and comparing it with the manner in which Henry conducted the exhibition at St Paul's, a strong suspicion arises that he was not in possession of the actual body of the king. Why was his head entirely concealed, and the face only shewn from the lower part of the forehead to the throat? Richard's yellow hair was the very mark which would have enabled the people to identify their late monarch; and so far from being concealed, we should have been led to expect that it would have been studiously displayed. Had the king, indeed, died by the murderous strokes of Exton and his accomplices, inflicted on the head, there might have been good cause for concealing the gashes; but it will be recollected this cannot be pleaded, as the story is now given up on all hands as a fable.

There is another circumstance, which in my mind corroborates this suspicion of deception:—Henry's wish was to do public honour to the body of the late king. He attended, we see, the service for the dead, and held the pall of the funeral car; but no interment followed, the body was not permitted to be buried in London at all, although there was then a tomb ready, which Richard, previous to his deposition, had prepared for himself in Westminster Abbey, and to which Henry the Fifth afterwards removed the reputed remains of the king.[3] It

[1] French Metrical Hist. pp. 219, 220, 221.

[2] Vita Ricardi II. p. 169.

[3] Richard the Second's Will is to be found published amongst the Royal and Noble Wills, p. 191. The king there directs his body to be buried in "Ecclesia Sancti Petri Westmonasterii—in monumento quod ad nostrum et inclitæ recordacionis Annæ dudum Reginæ Angliæ consortis nostræ, cujus animæ prospicietur altissimus erigi fecimus memoriam." A description and engraving of this monument is to be seen in Gough's Sepulchral Monuments.

was conveyed, apparently, in the same car in which it lay in state, to Langley, in Hertfordshire, and there interred with great secrecy, and without any funeral pomp. "When the funeral service," says Walsingham, "was concluded in the church of St Paul, the king and the citizens of London being present, the body was immediately carried back to Langley, to be interred in the church of the Preaching Friars; the last offices being performed by the Bishop of Chester, the Abbots of St Albans and of Waltham, without the presence of the nobles, and unattended by any concourse of the people, nor was there any one who, after their labours, would invite them to dinner."[1] It must be evident to every one that as Henry's avowed object was to convince the English people that Richard, their late king, was dead and buried, the greater concourse of people who attended his funeral, and the more public that ceremony was made, the more likely was he to attain his desire. In this light, then, the sudden removal from London, the secret burial at Langley, "*sine pompa, sine magnatum præsentia, sine populari turba*," are circumstances which, I own, create in my mind a strong impression that Henry was not in possession of the real body of the king; that either the head of Maudelain the priest, or some other specious contrivance, was employed to deceive the people, and that the king did not think it prudent to permit a public funeral; because, however easy it may have been to impose upon the spectators, so long as they were merely permitted to see the funeral car in which the body lay covered up with black cloth, and having nothing but the face exposed, the process of removing from the litter, arraying it for the grave, and placing it in the coffin, might have led to a discovery of the deception which had been practised. It is clear that the evidence of a single person who had known the king, had he been permitted to uncover the head and face, and to examine the person, would have been itself worth the testimony of thousands who gazed for a moment on the funeral car, and passed on; and it is for this reason that I set little value on the account of Froissart, (whose history of the transactions connected with Richard's deposition is full of error,)[2] when he asserts that the body was seen by twenty thousand persons, or of Hardyng, who relates that he himself saw the "corse in herse rial;" and that the report was he had been "forhungred" or starved, "and lapte in lede."

Another proof of the conviction of the country that this exhibition of the body of Richard was a deception upon the part of Henry is to be found in the reports of his escape which not long afterwards arose in England, and the perpetual conspiracies in which men of rank and consequence freely hazarded, and in many cases lost their lives, which were invariably accompanied with the assertion that Richard was alive in Scotland. It is a remarkable circumstance that these reports and conspiracies continued from the alleged year of his death, through the whole period occupied by the reigns of Henry the Fourth and Henry the Fifth. The year 1402 absolutely teemed with reports that Richard was alive, as appears from Walsingham. A priest of Ware was one of the first victims of Henry's resentment. He had, it seems, encouraged his brethren, by affirming that Richard was alive, and would shortly come forward to claim his rights; in consequence of which he was drawn and quartered. Not long after eight Franciscan friars were hanged at London for having asserted that Richard was alive, one of whom, a doctor of divinity, named Frisby, owing to the boldness and obstinacy with which he maintained his loyalty, was executed in the habit of his order. About the same time, Walter de Baldock, prior of Launde in Leicestershire, was hanged because he had published the same story. Sir Roger de Clarendon, a natural son of the Black Prince, and one of the

[1] Walsingham, p. 363. Otterburn, p. 229.

[2] Webb's Translation of the Metrical Hist. of the Deposition of Richard the Second, p. 7 Archæologia, vol. xx.

gentlemen of the bedchamber to Richard the Second, along with his armour-bearer and page, were condemned and executed for the same offence.[1] In these cases there appears to have been no regularly-formed conspiracy, as in the instances to be afterwards mentioned. The Franciscan friars, it is well known, were in the habit of travelling through various countries, and were in constant intercourse with Scotland, where they had many convents.[2] They had probably seen the king, or become possessed of certain evidence that he was alive, and they told the story on their return.

Of these reports, however, we have the best evidence in a paper issued by Henry himself, and preserved in the Fœdera Angliæ.[3] It is a pardon under the privy seal to John Bernard of Offely; and from it we learn some interesting particulars of the state of public belief as to the escape and existence of Richard. Bernard, it seems, had met with one William Balshalf of Lancashire, who on being asked what news he had to tell, answered, "That King Richard, who had been deposed, was alive and well in Scotland, and would come into England upon the Feast of St John the Baptist next to come, if not before it." Balshalf added, "That Serle, who was then with King Richard, had arranged everything for his array and entrance into England, and that they would have timely warning of it; whilst he reported that Henry the Fourth, in fear of such an event, had collected great sums of money from his lieges with the intention of evacuating the kingdom, repairing to Brittany, and marrying the duchess of that country. Bernard then asked Balshalf what was best to be done,—who bade him raise certain men, and take his way to meet King Richard; upon which he went to John Whyte and William Threshire of Offely, to whom he told the whole story, and who immediately consented to accompany him to Athereston, near the Abbey of Merivale, there to await the king's arrival, and give him their support." This conversation Bernard revealed to Henry, and having offered to prove it on the body of Balshalf, who denied it, the king appointed a day for the trial by battle, which accordingly took place, and Balshalf was vanquished. The consequence was a free pardon to Bernard, which is dated on the 1st of June 1402, and in which the above circumstances are distinctly stated. The person of the name of Serle here mentioned as being with Richard in Scotland was undoubtedly William Serle, gentleman of the bedchamber to Richard the Second, and one of the executors of his will.[4] He was infamous as one of the murderers of the Duke of Gloucester, and was soon after engaged in a second plot to restore the king. These transactions took place in 1402, and sufficiently prove the little credit given by the people of England to the story of the king's death, and the funeral service which was enacted at Westminster.

Next year, in 1403, occurred the celebrated rebellion of the Percies, which ended in the battle of Shrewsbury and the death of Hotspur. Previous to the battle the Earl of Worcester and Henry Percy drew up a manifesto, which was delivered to King Henry upon the field by two squires of Percy, in which Henry was charged with having caused Richard to perish by hunger, thirst, and cold, after fifteen days and nights of sufferings unheard of among Christians. Yet, however broad and bold this accusation of murder, the principal persons who made it, and the only ones who survived its publication, afterwards altered their opinions, and employed very different expressions. This manifesto was drawn up in the name of the old Earl of Northumberland, although he had not then joined the army which fought at Shrewsbury, and it was sanctioned and approved by Richard Scrope, archbishop of York.

[1] Walsingham, p. 365. Otterburn, p. 234. Nichol's Leicestershire, vol. iii. pp. 260, 305.

[2] Quetif et Echard, Scriptores Ordinis Prædicatorum, pp. 10, 11.

[3] Rymer, Fœdera, vol. viii. p. 262. A.D. 1402, 1st June.

[4] Richard's Will, in Nichols, p. 209. It is dated 16th April 1399.

It commences, "Nos Henricus Percy, comes Northumbrie, constabularius Angliæ;" and Hardyng the chronicler, who was then with Hotspur and Worcester in the field, as he himself informs us, adds, "that their quarrel was be goode advyse and counseill of Maister Richard Scrope, archebishope of Yorke." Now, it will immediately be seen that two years after this, in 1405, Scrope and the Earl engaged in a second conspiracy against Henry; and in the articles which they then published, the positive statement in the manifesto as to Richard's death is materially changed.[1] I may here again use the words of Mr Amyot, in his paper on the death of Richard the Second. "On turning," says he, "from this letter of defiance in 1403 to the long and elaborate manifesto of Archbishop Scrope and the Yorkshire insurgents in 1405, we shall find a considerable diminution in the force of the charge, not indeed that one single day is abated out of the fifteen allotted to the starvation, but the whole story is qualified by the diluting words, '*ut vulgariter dicitur*.' So that in two years the tale, which had before been roundly asserted as a fact, must have sunk into a mere rumour."[2] The accusation of the Percies, therefore, which is the only broad and unqualified charge brought against Henry by contemporaries, is not entitled to belief, as having been virtually abandoned by the very persons to whom it owes its origin.

This conspiracy of Hotspur having been put down in 1403, in 1404 Henry was again made miserable by new reports proceeding from Scotland regarding the escape of Richard, and his being alive in that country. These rumours, we learn from Otterburn, not only prevailed amongst the populace, but were common even in the household of the king.[3] Serle, one of the gentlemen of Richard's bedchamber, who, as we have already seen, had repaired to Scotland, returned from that country with positive assertions that he had been with Richard, from whom he brought letters and communications, addressed under his privy seal to his friends in England.[4] Maud, the old Countess of Oxford, a lady far advanced in life, and little likely to engage upon slight information in any plot, "caused it to be reported," says Walsingham, "throughout Essex by her domestics that King Richard was alive, and would soon come back to recover and assert his former rank. She caused also little stags of silver and gold to be fabricated, presents which the king was wont to confer upon his most favourite knights and friends, so that by distributing these in place of the king she might the more easily entice the most powerful men in that district to accede to her wishes. In this way," continues Walsingham, "she compelled many to believe that the king was alive, and the report was daily brought from Scotland that he had there procured an asylum, and only waited for a convenient time when, with the strong assistance of the French and the Scots, he might recover the kingdom."[5] Walsingham then goes on to observe that the plot of the countess was not only favoured by the deception of Serle, but that she had brought over to her belief several abbots of that country, who were tried and committed to prison; and that in particular a clerk, who had asserted that he had lately talked with the king, describing minutely his dress and the place of the meeting, was rewarded by being drawn and hanged.[6]

It is stated by Dr Lingard, in his account of this conspiracy,[7] on the

[1] We owe the publication of this curious and interesting manifesto to Sir Henry Ellis. Archæologia, vol. xvi. p. 141. "Tu ipsum dominum nostrum regem et tuum, proditorie in castro tuo de Pountefreite, sine consensu suo, seu judicio dominorum regni, per quindecim dies et tot noctes, quod horrendum est inter Christianos audiri, fame, scitu, et frigore interfici fecisti, et murdro periri, unde perjuratus es, et falsus."

[2] Archæologia, vol. xx. p. 436.

[3] Otterburn, p. 249. "Quo mortuo cessavit in regno de vita Regis Ric: confabulatio que prius viguit non solum in vulgari populo sed etiam in ipsa dominis regis domo."

[4] Walsingham, p. 370.

[5] Ibid. [6] Ibid. pp. 370. 371.

[7] Vol. iv. p. 398.

authority of Rymer's Fœdera, and the Rolls of Parliament, that Serle being disappointed of finding his master alive, prevailed upon a person named Warde to personate the king, and that many were thus deceived. Although, however, this personification by Warde is distinctly asserted in Henry's proclamation, it is remarkable that it is not only omitted by Walsingham, but is inconsistent with his story; and the total silence of this historian, as also that of Otterburn, (both of them contemporaries,) induces me to believe that the story of Thomas Warde personating King Richard was one of those forgeries which Henry, as I shall afterwards shew, did not scruple to commit when they could serve his purposes. What became afterwards of Warde cannot be discovered, but Serle was entrapped and taken by Lord Clifford, and according to Walsingham, confessed that the person whom he had seen in Scotland was indeed very like the king, but not the king himself, although to serve his own ends he had persuaded many both in England and in Scotland that it was Richard.[1] It would be absurd, however, to give much weight to this confession, made by a convicted murderer, and spoken under the strongest motives to conciliate the mind of the king and obtain mercy for himself. To obtain this, the likeliest method was to represent the whole story regarding Richard as a falsehood. It may be remarked also that in Otterburn there is not a word of Serle's confession, although his seizure and subsequent execution are particularly mentioned.[2]

The conduct of the king immediately after this is well worthy of remark, as we may discern in it, I think, a striking proof of his own convictions upon this mysterious subject. He issued instructions to certain commissioners, which contain conditions to be insisted on as the basis of a treaty with Scotland,[3] and in these there is no article regarding the delivery of this pretended king, although his proclamation, as far back as the 5th June 1402,[4] shews that he was quite aware of his existence, and his constant intercourse with that country must have rendered him perfectly familiar with all the circumstances attending it. Is it possible to believe that Henry, if he was convinced that an impostor was harboured at the court of the Scottish king, whose existence there had been the cause of perpetual disquiet and rebellion in his kingdom, would not have insisted that he should be delivered up, as Henry the Seventh stipulated in the case of Perkin Warbeck? But Warbeck was an impostor, and the seventh Henry never ceased to adopt every expedient of getting him into his hands, whilst Henry the Fourth, at the very moment that he has put down a conspiracy which derived its strength from the existence of this mysterious person in Scotland, so far from stipulating as to his delivery, does not think it prudent to mention his name. This difference in the conduct of the two monarchs, both of them distinguished for prudence and sagacity, goes far, I think, to decide the question, for, under the supposition that he who was kept in Scotland was the true Richard, it became as much an object in Henry the Fourth to induce the Scots to keep him where he was as in Henry the Seventh to get Perkin into his hands, and a wary silence was the line of policy which it was most natural to adopt.

There is a remarkable passage in Walsingham regarding an occurrence which took place in this same year, 1404, which proves that in France, although Henry at first succeeded in persuading Charles the Sixth that his son-in-law, Richard, was dead, the deception was discovered, and in 1404 the French considered the king to be alive. "The French," says this writer, "at the same time came to the Isle of Wight with a large fleet, and sent some of their men ashore, who demanded supplies from the islanders in the name of King Richard and Queen

[1] Walsingham, p. 371.
[2] Otterburn, p. 249.
[3] Rymer, Fœdera, vol. viii. p. 384.
[4] Rymer, Fœdera, vol. viii. p. 261.

Isabella, but they were met by the answer that Richard was dead."[1]

An additional proof of the general belief in France of Richard's escape and safety is to be found in a ballad composed by Creton, the author of the Metrical History of the Deposition of Richard the Second, which has been already quoted. We see from the passage giving a description of the exposition of the body at St Paul's, that this author inclined to believe the whole a deception, and gave credit to the report, even then prevalent, that the king was alive. In 1405, however, he no longer entertains any doubt upon the subject, but addresses an epistle in prose to the king himself, expressing his joy at his escape, and his astonishment that he should have been able to survive the wretched condition to which he had been traitorously reduced. I am sorry that the learned author, from whose notes I take this illustration, enables me only to give the commencement of the epistle, and the first stanza of the ballad; but even these, though short, are quite decisive. His epistle is thus inscribed :—"Ainsi come vraye amour requiert a tres noble prince et vraye Catholique Richart d'Engleterre, je, Creton ton liege serviteur te renvoye ceste Epistre." The first stanza of the ballad is equally conclusive.

"O vous, Seignors de sang royal de France,
Mettez la main aux armes vistement,
Et vous avez certaine cognoissance
Du roy qui tant a souffert de tourment
Par faulx Anglois, qui traiteusement
Lui ont tollu la domination ;
Et puis de mort fait condempnation.
Mais Dieu, qui est le vray juge es saintz
Lui a sauvé la vie. Main et tart [cieulx,
Chascun le dit par tut, jeunes et vieulx.
C'est d'Albion le noble Roy Richart."[2]

Not long after the plot of Serle had been discovered and put down in 1404, there arose, in 1405, the conspiracy of the Earl of Northumberland and Archbishop Scrope, to which I have already alluded. In their manifesto, published before the battle of Shrewsbury, they had accused Henry in unqualified terms of the murder, whereas now, in the "Articles of Richard Scrope against Henry the Fourth,"[3] the addition of the words "*ut vulgariter dicitur*," shews, as I have already observed, that the strong convictions of Henry's guilt had sunk by this time into vague rumour; but the Parliamentary Rolls,[4] which give a minute and interesting account of the conspiracy, furnish us with a still stronger proof of Northumberland's suspicion of Richard's being alive, and prove, by the best of all evidence, his own words, that one principal object of the conspirators was to restore him, if this was found to be true.

It appears from these authentic documents that in the month of May 1405 the Earl of Northumberland seized and imprisoned Sir Robert Waterton, "esquire to our lord the king," keeping him in strict confinement in the castles of Warkworth, Alnwick, Berwick, and elsewhere. The reader will recollect that, according to the evidence of Winton, Richard was delivered to two gentlemen of the name of Waterton and Swinburn, who spread a report of his escape; and it is not improbable that the object of Northumberland, in the seizure of Waterton, was to arrive at the real truth regarding this story of his escape, to ascertain whether it was a mere fable, and whether the king actually had died in Pontefract castle, or might still be alive in Scotland, as had been confidently reported. It is of consequence, then, to observe Northumberland's conduct and expressions regarding Richard, after having had Waterton in his hands; and of both we have authentic evidence in the Parliamentary Rolls. He, and the rest of the conspirators, the Archbishop of York, Sir Thomas Mowbray, Sir John Fauconberg, Lord Hastings, and their accomplices, sent three commissioners, named Lasingsby, Boynton, and Bur-

[1] Walsingham, p. 370. "Gallici," says this writer, "circa tempus illud venerunt ante Vectam insulam cum magna classe, miseruntque de suis quosdam qui peterent nomine regis Richardi et Isabellæ reginæ tributum, vel speciale subsidium ab insulanis. Qui responderunt regem Richardum fuisse defunctum."

[2] Metrical History of the Deposition of Richard the Second, with notes by Mr Webb. Archæologia, vol. xx. p. 189.

[3] Wharton's Anglia Sacra, p. 362, pars ii.

[4] Rolls of Parliament, vol. iii. p. 605.

ton, into Scotland, to enter into a treaty with Robert the Third, who died soon after, and at the same time to communicate with certain French ambassadors, who, it appears, were at that time in Scotland; and the avowed object of this alliance is expressly declared by Northumberland in his letter to the Duke of Orleans. It is as follows :—"Most high and mighty prince, I recommend myself to your Lordship; and be pleased to know that I have made known by my servants, to Monsieur Jehan Chavbreliack, Mr John Andrew, and John Ardinguill, called Reyner, now in Scotland, and ambassadors of a high and excellent prince, the King of France, your lord and brother, my present intention and wish, which I have written to the king your brother. It is this, that with the assistance of God, with your aid, and that of my allies, I have embraced a firm purpose and intention to sustain the just quarrel of my sovereign lord King Richard, if he is alive, and if he is dead, to avenge his death; and, moreover, to sustain the right and quarrel which my redoubted lady, the Queen of England, your niece, may have to the kingdom of England, and for this purpose I have declared war against Henry of Lancaster, at present Regent of England." This letter, which will be found at length in the note below,[1] is written from Berwick, and although the precise date is not given, it appears, by comparison with other deeds connected with the same conspiracy preserved in the Fœdera and the Rotuli Scotiæ, to have been written about the 10th of June. The Parliamentary Rolls go on to state that, in this same month of June, Northumberland and his accomplices seized Berwick, and traitorously gave it up to the Scots, the enemies of the king, to be pillaged and burnt.

It is of importance to attend to the state of parties in Scotland at this time. The persons in that country with whom Northumberland confederated to sustain the quarrel of King Richard were the loyal faction opposed to Albany, and friends to Prince James, whom that crafty and ambitious statesman now wished to supplant. Albany himself was at this moment in strict alliance with Henry the Fourth, as is shewn by a manuscript letter preserved in the British Museum, dated from Falkland on the 2d of June, and by a mission of Rothesay herald, to the same monarch, on the 10th of July.[2] Wardlaw, bishop of St Andrews, Sinclair, earl of Orkney, and Sir David Fleming of Cumbernauld, to whose care, it will be recollected, Winton informs us Richard of England had been committed, opposed themselves to Albany, and having determined, for the sake of safety, to send Prince James to France, entered

[1] **Rolls of Parliament, vol. iii. p. 605.** "Tres haut et tres puissant prince, jeo me recomance a vostre seigneurie; a laquelle plese asavoir que jay notifie par mes gentz, a Mon^r. Johan Chavbreliak, Meistre Johan Andrew, et Johan Ardinguill dit Reyner, ambassatours de tres haut et tres excellent prince le Roy de France, vostre sieur et frere, esteantz en Escoce, mon entencion et voluntée, laquelle je escriptz au roy vostre dit sieur et frere; laquelle est, que a l'aide de Dieu, de le vostre et des plusours mes allies, j'ay entencion et ferme purpos de sustener le droit querelle de mon soverein sieur le Roy Richard, s'il est vif, et si mort est, de venger sa mort, et aussi de sustener la droit querele que ma tres redoubte dame le Royne d'Engleterre, vostre niece, poit avoir reasonablement au Roiaeme d'Engleterre, et pur ceo ay moeve guerre a Henry de Lancastre, a present regent d'Angleterre; et car jeo foy que vouz ames et sustenuz ceste querelle, et autres contre le dit Henry jeo vous prie et require, que en ceo vous moi voilles aider et soccorer, et ausi moi aider eius le tres haut et tres excellent prince le Roy de France, vostre dit sieur et frere, que les choses desquelles jeo lui escriptz, et dont vous enformeront au plain les ditz ambassatours, preignent bone et brief conclusion, quar en vite, en tout ceo que jeo vous pourra servier a sustener de par decea les ditz querelles encontre le dit Henry, jeo le ferra voluntiers de tout mon poair. Et vous plese de croiere leo ditz ambassatours de ceo qu'ils vous dirront de par moy; le Saint Esprit tres haut et tres puissant prince vous ait en sa garde. Escript à Berwyck, &c.

"A tres haut et tres puissant prince le Duc d'Orleans, Count de Valois et de Blois, et Beaumond et Sieur de Courcy." No date is given, but it immediately succeeds June 21, 1405.

[2] **Pinkerton, Hist. vol. i. p. 82.** In the Cottonian Catalogue, p. 498, No. 114, I find a letter from Robert, duke of Albany, to Henry the Fourth, thanking him for his good treatment of Murdoch, his son, and the favourable audiences given to Rothesay, his herald, dated Falkland, June 4, 1405.

as we see, into a strict alliance with the Earl of Northumberland, in his conspiracy for overturning the government of Henry the Fourth.

The events which followed immediately after this greatly favoured the usurpation of Albany. Prince James was taken on his passage to France, probably in consequence of a concerted plan between Albany and Henry. David Fleming, according to Bower,[1] was attacked and slain on his return from accompanying James to the ship, by the Douglases, then in alliance with Albany; and the old king, Robert the Third, died, leaving the government to the uncontrolled management of his ambitious brother, whilst his son, now king, was a prisoner in the Tower. Meanwhile, Sinclair, the earl of Orkney, joined Northumberland at Berwick;[2] but the rebellion of that potent baron and his accomplices having entirely failed, he and the Lord Bardolf fled into Scotland, from which, after a short while, discovering an intention upon the part of Albany to deliver them into the hands of Henry, they escaped into Wales. We know, from the Chamberlain Accounts, that immediately after the death of Robert the Third Albany obtained possession of the person of Richard. In this way, by a singular combination of events, while the Scottish governor held in his hands the person who, of all others, was most formidable to Henry, this monarch became possessed of James the First of Scotland, the person of all others to be most dreaded by the governor. The result was, that Albany and Henry, both skilful politicians, in their secret negotiations could play off their two royal prisoners against each other; Albany consenting to detain Richard so long as Henry agreed to keep hold of James. The consequence of this policy was just what might have been expected. Richard died in Scotland, and James, so long as Albany lived, never returned to his throne or to his kingdom; although, during the fifteen years of Albany's usurpation, he had a strong party in his favour, and many attempts were made to procure his restoration. It seems to me, therefore, that this circumstance of Albany having Richard in his hands furnishes us with a satisfactory explanation of two points, which have hitherto appeared inexplicable. I mean, the success with which the governor for fifteen years defeated every negotiation for the return of James, and the unmitigable severity and rage which this monarch on his return, and throughout his reign, evinced towards every member of the family of Albany.

Even after this grievous disaster of Northumberland in 1405, the reports regarding Richard being still alive revived, and broke out in the capital; and Percy, the indefatigable enemy of Henry, along with Lord Bardolf, made a last attempt to overturn his government. "At this time," says Walsingham, speaking of the year 1407, "placards were fixed up in many places in London, which declared that King Richard was alive, and that he would soon come to claim his kingdom with glory and magnificence; but not long thereafter the foolish inventor of so daring a contrivance was taken and punished, which allayed the joy that many had experienced in consequence of this falsehood."[3] Who the person was whom Walsingham here designates as the inventor of these falsehoods does not appear from any part of his own history, or from any of the public papers in the Fœdera or the Parliamentary Rolls; but we may connect these reports, on good grounds I think, with Percy and Lord Bar-

[1] If we believe Walsingham, pp. 374, 375, however, the chronology is different. Fleming was not slain till some months afterwards, and lived to receive Northumberland and Bardolf on their flight from Berwick; after which he discovered to them a plot of Albany's for their being delivered up to Henry, and, by his advice, they fled into Wales, in revenge for which Fleming was slain by the party of Albany.*

[2] John, son of Henry, says, in a letter to his father, (Vesp. F. vii. f. 95, No. 2,) that Orkney had joined Northumberland and Bardolf at Berwick. The letter is dated 9th June, in all appearance 1405, says Pinkerton, vol. i. p. 52. The circumstances mentioned prove that it was, without doubt, in 1405.

Ypodigma Neustria, p. 566.

[3] Walsingham, p. 376.

dolf, who, in 1408, proceeded from Scotland into Yorkshire, and after an ineffectual attempt to create a general insurrection in that country, were entirely defeated, Northumberland being slain, and Bardolf dying soon after of his wounds. The reader will recollect, perhaps, a passage already quoted from Bower,[1] in which this historian states that, amongst other honourable persons who fled with Northumberland and Lord Bardolf into Scotland, was the Bishop of Bangor; and I may mention it as a striking confirmation of the accuracy of this account, that the Bishop of Bangor, according to Walsingham, was taken in the battle along with Percy, and that as the historian argues, he deserved to have his life spared because he was unarmed. His fellow-priest, the Abbot of Hayles, who was likewise in the field, and had changed the cassock for the steel coat, was hanged.[2] When Bower is thus found correct in one important particular, I know not why we are entitled to distrust him in that other limb of the same sentence which mentions the existence of Richard in Scotland.

It was originally my intention to have entered into an examination of the diplomatic correspondence which took place subsequent to this period between Albany, the governor of Scotland, and Henry the Fourth and Fifth; in which, I think, it would not be difficult to point out some transactions creating a presumption that Albany was in possession of the true King Richard. The limits, however, within which I must confine these observations will not permit me to accomplish this; and any intelligent reader who will take the trouble to study this correspondence as it is given in the Rotuli Scotiæ will not find it difficult to discover and arrange the proofs for himself. I must be permitted, therefore, to step at once from this conspiracy of Northumberland, which took place in 1408, to the year 1415, when Henry the Fifth was preparing for his invasion of France. At this moment, when the king saw himself at the head of a noble army, and when everything was ready for the embarkation of the troops, a conspiracy of a confused and obscure nature was discovered, which, like every other conspiracy against the government of Henry the Fourth and Henry the Fifth, involved a supposition that Richard the Second might still be alive. The principal actors in this plot were Richard, earl of Cambridge, brother to the duke of York, and cousin to the king, Henry, lord Scroop of Marsham, and Sir Thomas Grey of Heton in Northumberland; and the only account which we can obtain of it is to be found in a confession of the Earl of Cambridge, preserved in the Fœdera Angliæ, and in the detail of the trial given in the Rolls of Parliament, both papers evidently fabricated under the eye of Henry the Fifth, and bearing upon them marks of forgery and contradiction.

According to these documents, the object of the conspirators was to carry Edmund, the earl of March, into Wales, and there proclaim him king, as being the lawful heir to the crown, in place of Henry of Lancaster, who was stigmatised as a usurper. This, however, was only to be done, provided (to use the original words of the confession of the Earl of Cambridge) "yonder manis persone, wych they callen Kyng Richard, had nauth bene alyve, as Y wot wel that he wys not alyve."[3] The absurdity and inconsistency of this must be at once apparent. In the event of Richard being dead, the Earl of March was without doubt the next heir to the crown, and had been declared so by Richard himself; and the avowed object of the conspirators being to place this prince upon the throne, why they should delay to do this, till they ascertain whether the person *calling himself King Richard is alive*, is not very easily seen, especially as they declare, in the same breath, that they are well aware this person is not *alive*. Yet this may be almost pronounced consistency, when compared with the contradiction which follows: for we find it stated, in al-

[1] Fordun a Goodal vol. ii. p. 441.
[2] Walsingham, p. 377.
[3] Fœdera, vol. ix. p. 300.

most the next sentence, by the Earl of Cambridge, that he was in the knowledge of a plan entered into by Umfraville and Wederyngton, for the purpose of bringing in this very "persone wych they named Kyng Richard," and Henry Percy, out of Scotland, with a power of Scots, with whose assistance they hoped to be able to give battle to the king, for which treasonable intention the earl submits himself wholly to the king's grace. It is difficult to know what to make of this tissue of inconsistency. The Earl of March is to be proclaimed king, provided it be discovered that the impostor who calls himself Richard is not alive, it being well known that he is dead, and although dead, ready, it would seem, to march out of Scotland with Umfraville and Wederyngton, and give battle to Henry.[1]

The account of the same conspiracy given in the Parliamentary Rolls is equally contradictory, and in its conclusion still more absurd. It declares that the object of the conspirators was to proclaim the Earl of March king, "in the event that Richard the Second, king of England, was actually dead;" and it adds, that the Earl of Cambridge and Sir Thomas Grey had knowledge of a design to bring Thomas of Trumpyngton, an idiot, from Scotland, to counterfeit the person of King Richard, who, with the assistance of Henry Percy and some others, was to give battle to Henry.[2] It was already remarked, in the account of the conspiracy of the old Countess of Oxford, in 1404, that the assertion then made by Henry the Fourth, in a proclamation in Rymer, that Thomas Warde of Trumpyngton "pretended that he was King Richard," was one of those forgeries which this monarch did not scruple to commit to serve his political purposes; none of the contemporary historians giving the least hint of the appearance of an impostor at this time, and Serle, in his confession, not having a word upon the subject. Besides, we hear nothing of Warde till 1404; and we know, from Henry's own proclamation, that Richard the Second was stated to be alive in Scotland as early as June 1402;[3] whilst, in 1404, when Warde is first mentioned, he comes before us as having personated the king in England, or rather as then in the act of personating the king in England. Here, too, by Henry the Fourth's description of him in 1404, he is an Englishman, and in his sound senses; how, then, in 1415 does he come to be a Scotsman, and an idiot? The truth seems to be, that Henry the Fifth, in manufacturing these confessions of the Earl of Cambridge, having found it stated by his father that Thomas Warde of Trumpyngton, in 1404, pretended to be King Richard, and that "there was an idiot in Scotland who personated the king," joined the two descriptions into one portentous person, Thomas of Trumpyngton, a Scottish idiot, who was to enact Richard the Second, and at the head of an army to give battle to the hero of Agincourt. Most of my readers, I doubt not, will agree with me in thinking that, instead of an idiot, this gentleman from Trumpyngton must have been a person of superior powers.

It is impossible, in short, to believe for a moment that the accounts in the Parliamentary Rolls and in Rymer give us the truth, yet Cambridge, Scroop, and Grey were executed; and the summary manner in which their trial was conducted is as extraordinary as the accusation. A commission was issued to John, earl Marshal, and eight others, empowering any two of them, William Lasingsby, or Edward Hull, being one of the number, to sit as judges for the inquiry of all treasons carried on within the county by the oaths of a Hampshire jury. Twelve persons, whose names Carte observes were never heard of before, having been impannelled, the three persons accused were found guilty on the single testimony of the constable of Southampton castle, who swore that, having spoke to each of them alone upon the subject, they had confessed their guilt, and thrown themselves on the king's mercy Sir Thomas Grey

[1] Fœdera, vol. ix. p. 300.

[2] Parliamentary Rolls, vol. iv. p. 66.

[3] Rymer, vol. viii. p. 261.

was condemned upon this evidence, of which, says Carte, it will not be easy to produce a precedent in any former reign; but the Earl of Cambridge and Lord Scroop pleaded their peerage, and Henry issued a new commission to the Duke of Clarence, who summoned a jury of peers. This, however, was a mere farce; for the commission having had the records and process of the former jury read before them, without giving the parties accused an opportunity of pleading their defence, or even of appearing before their judges, condemned them to death, the sentence being carried into instant execution.

It is obvious, from the haste, the studied concealment of the evidence, the injustice and the extraordinary severity of the sentence, that the crime of Cambridge, Scroop, and Grey was one of a deep dye; and, even in the garbled and contradictory accounts given in the Parliamentary Rolls, we may discern, I think, that their real crime was not the design of setting up March as king, but their having entered into a correspondence with Scotland for the restoration of Richard the Second. That the story regarding March was disbelieved is indeed shewn by Henry himself, who instantly pardoned him, and permitted him to sit as one of the jury who tried Scroop and Cambridge; but that Cambridge, Scroop, and Grey, were in possession of some important secret, and were thought guilty of some dark treason which made it dangerous for them to live, is quite apparent.[1]

It seems to me that this dark story may be thus explained: Scroop and Cambridge, along with Percy, Umfraville, and Wederyngton, had entered into a correspondence with the Scottish faction who were opposed to Albany, the object of which was to restore Richard, and to obtain the return of James, Albany himself being then engaged in an amicable treaty with Henry, with the double object of obtaining the release of his son Murdoch, who was a prisoner in England, and of detaining James the First in captivity. At this moment the conspiracy of Cambridge was discovered; and Henry, in order to obtain full information for the conviction of the principals, pardoned Percy, and the two accomplices Umfraville and Wederyngton, and obtained from them a disclosure of the plot. He then agreed with Albany to exchange Murdoch for Percy; but we learn, from the MS. instructions regarding this exchange, which are quoted by Pinkerton,[2] that a secret clause was added, which declared that the exchange was only to take place provided "Percy consent to fulfil what Robert Umfraville and John Witherington have promised Henry in his name." Percy's promise to Henry was, as I conjecture, to reveal the particulars of the plot, and renounce all intercourse with Richard.

This conspiracy was discovered and put down in 1416, and the campaign which followed was distinguished by the battle of Agincourt, in which, amongst other French nobles, the Duke of Orleans was taken prisoner, and became a fellow captive with James the First. In July 1417, Henry the Fifth again embarked for Normandy; but when engaged in preparations for his second campaign he detected a new plot, the object of which was to bring in the "*Mamuet*" of Scotland, to use the emphatic expression which he himself employs. I need scarcely remark that the meaning of the old English word Mamuet, or Mammet, is a puppet, a figure dressed up for the purpose of deception; in other words, an impostor. The following curious letter, which informs us of this conspiracy, was published by Hearne, in

[1] We have seen that Henry directs that one of the two justices who are to sit on the trial shall be either Edward Hull or William Lasingsby; and it may perhaps be recollected that William Lasingsby, Esq., was himself engaged with Northumberland, in 1405, in the conspiracy for the restoration of Richard, being one of the commissioners sent into Scotland to treat with Robert the Third and the French ambassadors. It is probable, therefore, that he knew well whether Richard of Scotland was, or was not, the true Richard; and his being selected as one of the judges makes it still more probable that the real crime of the conspirators was a project for the restoration of the king.

[2] Vol. i. p. 97.

his Appendix to the Life of Henry the Fifth, by Titus Livius of Forojulii:—"Furthermore I wole that ye commend with my brother, with the Chancellor, with my cousin of Northumberland, and my cousin of Westmoreland, and that ye set a good ordinance for my north marches; and specially for the Duke of Orleans, and for all the remanent of my prisoners of France, and also for the King of Scotland. For as I am secretly informed by a man of right notable estate in this lond, that there hath bene a man of the Duke of Orleans in Scotland, and accorded with the Duke of Albany, that this next summer he shall bring in the Mamuet of Scotland, to stir what he may; and also, that there should be foundin wayes to the having away especially of the Duke of Orleans, and also of the king, as well as of the remanent of my forsaid prisoners, that God do defend. Wherefore I wole that the Duke of Orleance be kept still within the castle of Pomfret, without going to Robertis place, or any other disport. For it is better he lack his disport, than we were disteyned of all the remanent."[1] With regard to Albany's accession to this plot, it is probable that Henry was misinformed; and that the party which accorded with Orleans was the faction opposed to the governor, and desirous of the restoration of James. The letter is valuable in another way, as it neither pronounces the Mamuet to be an idiot, nor identifies him with Thomas of Trumpyngton.

There is yet, however, another witness to Richard's being alive in 1417, whose testimony is entitled to the greatest credit, not only from the character of the individual himself, but from the peculiar circumstance under which his evidence was given—I mean Lord Cobham, the famous supporter of the Wickliffites, or Lollards, who was burnt for heresy on the 25th of December 1417. When this unfortunate nobleman was seized, and brought before his judges to stand his trial, he declined the authority of the court; and being asked his reason, answered, that he could acknowledge no judge amongst *them, so long as his liege lord King Richard was alive in Scotland.* The passage in Walsingham is perfectly clear and decisive:—"Qui confestim cum summa superba et abusione respondit, se non habere judicem inter eos, vivente ligio Domino suo, in regno Scotiæ, rege Richardo; quo responso accepto, quia non opus erat testibus, sine mora jussus est trahi et suspendi super furcas atque comburi, pendens in eisdem."[2] Lord Cobham, therefore, at the trying moment when he was about to answer to a capital charge, and when he knew that the unwelcome truth which he told was of itself enough to decide his sentence, declares that Richard the Second, his lawful prince, is then alive in Scotland. It is necessary for a moment to attend to the life and character of this witness, in order fully to appreciate the weight due to his testimony. It is not too much to say that, in point of truth and integrity, he had borne the highest character during his whole life; and it is impossible to imagine for an instant that he would have stated anything as a fact which he did not solemnly believe to be true. What, then, is the fair inference to be drawn from the dying declaration of such a witness? He had sat in parliament, and had been in high employments under Richard the Second, Henry the Fourth, and Henry the Fifth. He was sheriff of Herefordshire in the eighth year of Henry the Fourth; and as a peer, had summons to parliament among the barons in the eleventh, twelfth, and thirteenth of that king's reign, and in the first of Henry the Fifth. He was, therefore, in high confidence and employment, and could not have been

[1] Titi Livii Forojul. Vita Henrici V. p. 99. This letter, also, is the first in that very interesting publication of Original Letters, which we owe to Sir Henry Ellis. Neither this writer, however, nor Hearne have added any note upon the expression the *Mamuet* of Scotland, which must be obscure to an ordinary reader. The letter itself, and the proof it contains in support of this theory of Richard's escape, was pointed out to me by my valued and learned friend, Adam Urquhart, Esq.

[2] Walsingham, p. 591.

ignorant of the measures adopted by Henry the Fourth to persuade the people of England that Richard was dead. He sat in the parliament of 1399, which deposed him; there is every reason to believe he was one of the peers summoned in council on the 9th of February 1399-1400, only four days previous to Richard's reputed death; and that he sat in the succeeding parliament, which met on the 21st of January 1401. The exhibition of the body at St Paul's, where all the nobility and the barons attended; the private burial at Langley, and the proclamations of Henry, declaring that Richard was dead and buried, must have been perfectly well known to him; and yet, in the face of all this, he declares in his dying words, pronounced in 1417, that Richard the Second, his liege lord, is then alive in Scotland. We have, therefore, the testimony of Lord Cobham that the reputed death of Richard in Pontefract castle, the masses performed over the dead body at St Paul's, and its burial at Langley, were all impudent fabrications. It is, I think, impossible to conceive evidence more clear in its enunciation, more solemn, considering the time when it was spoken, and, for the same reason, more perfectly unsuspicious.

I know not that I can better conclude these remarks upon this mysterious subject than by this testimony of Lord Cobham in support of the hypothesis which I have ventured to maintain. Other arguments and illustrations certainly might be added, but my limits allow me only to hint at them. It might be shewn, for instance, that not long after Sir David Fleming had obtained possession of the person of Richard, Henry the Fourth engaged in a secret correspondence with this baron, and granted him a passport to have a personal interview; it might be shewn, also, that in 1404 Robert the Third, in his reply to a letter of Henry the Fourth, referred the English king to David Fleming for some particular information; that Henry was about the same time carrying on a private negotiation with Lord Montgomery, to whom the reader will recollect Richard had been delivered; whilst there is evidence that, with the Lord of the Isles, and with the chaplain of that pirate prince in whose dominions Richard was first discovered, the King of England had private meetings, which appear to have produced a perceptible change in the policy of Henry's government towards Scotland. I had intended, also, to point out the gross forgeries of which Henry had condescended to be guilty, in his public account of the deposition of Richard, in order to shew the very slender credit which is due to his assertions regarding the death and burial of this prince; but I must content myself with once more referring to Mr Webb's Notes on the Metrical History of the Deposition of Richard, from which I have derived equal instruction and amusement.

In conclusion, I may observe, that whatever side of the question my readers may be inclined to adopt, an extraordinary fact, or rather series of facts, is established, which have hitherto been overlooked by preceding historians. If disposed to embrace the opinion which I have formed after a careful and, I trust, impartial examination of the evidence, the circumstance of Richard's escape, and subsequent death in Scotland, is a new and interesting event in the history of both countries. If, on the other hand, they are inclined still to believe the ordinary accounts of the death of this monarch in 1399, it must be admitted, for it is proved by good evidence, that a mysterious person appeared suddenly in the dominions of Donald of the Isles; that he was challenged by one who knew Richard as being the king in disguise; that he denied it steadily, and yet was kept in Scotland in an honourable captivity for eighteen years, at great expense; that it was believed in England, by those best calculated to have accurate information on the subject, that he was the true King Richard; and that, although his being detained and recognised in Scotland was the cause of repeated conspiracies for his restoration, which shook the

government both of Henry the Fourth and Henry the Fifth, neither of these monarchs ever attempted to get this impostor into their hands, or to expose the cheat by insisting upon his being delivered up, in those various negotiations as to peace or truce which took place between the two kingdoms. This last hypothesis presents to me difficulties which appear at present insurmountable; and I believe, therefore, that the chapel at Stirling contained the ashes of the true Richard.

I entertain too much respect, however, for the opinion of the many learned writers who have preceded me, and for the public judgment which has sanctioned an opposite belief for more than four hundred years, to venture, without further discussion, to transplant this romantic sequel to the story of Richard the Second into the sacred field of history. And it is for this reason that, whilst I have acknowledged the royal title in the Notes and Illustrations, I have expressed myself more cautiously and hypothetically in the body of the work.[1]

CHAPTER III.

JAMES THE SECOND.

1436—1460.

THE assassination of James the First, and the succeeding minority of his son, a boy of only six years of age, was, if not a triumph to the majority of the Scottish nobility, at least an event eminently favourable to their power and pretensions. His murderers, it is true, whether from the instant execration which bursts out against a deed of so dark and sanguinary a character, or from the personal revenge of the queen-mother, were punished with speedy and unmitigated severity. Yet, when the first sentiments of horror and amazement were abated, and the Scottish aristocracy begun to regard the consequences likely to arise from the sudden destruction which had overtaken the king in the midst of his schemes for the abridgment of their exorbitant power, it is impossible but that they should have contemplated the event of his death with secret satisfaction. The sentiments so boldly avowed by Graham in the midst of his tortures, that the day was near at hand when they would bless his memory for having rid them of a tyrant, must have forcibly recurred to their minds; and when they regarded the fate of the Earl of March, so summarily and cruelly stript of his immense possessions, and contemplated the magnitude of James's plans, and the stern firmness with which, in so short a reign, he had carried them into effect, we can readily believe that the recovery of the privileges which they had lost, and the erection of some permanent barriers, against all future encroach-

[1] The critical reader is referred to an able answer to these "Remarks," by Mr Amyot, in the twenty-third vol. of the Archæologia, p. 277; to some additional observations by the same gentleman, Archæologia, vol. xxv. p. 394; to a critical "Note," by Sir James Macintosh, added to the first volume of his "History of England;" to a "Dissertation on the Manner and Period of the Death of Richard the Second," by Lord Dover; to observations on the same historical problem, by Mr Riddell, in a volume of Legal and Antiquarian Tracts, published at Edinburgh in 1835; and to some remarks on the same point by Sir Harris Nicolas in the Preface to the first volume of his valuable work, the "Proceedings and Ordinances of the Privy Council of England," Preface, pp. 29 to 32.

ments of the crown, would be the great objects to which, under the minority of his successor, they would direct their attention.

It happened also, unfortunately for Scotland, that such a scheme for the resumption of power by the feudal nobility—in other words, for the return of anarchy and disorder throughout the country—was but too likely to prove successful. The improvements introduced by James the First—the judicial machinery for the more perfect administration of justice; the laws for the protection of the lower orders against the insolence of the great; the provisions for the admission of the representatives of the commercial classes into parliament, and for the abridgment of the military strength of the great feudal lords—were rather in the state of prospective changes than of measures whose salutary effects had been tried by time, and to which the nation had become attached by long usage. These improvements had been all carried into effect within the short space of fourteen years; they still bore upon them the hateful gloss of novelty and innovation, and, no longer supported by the firmness of the monarch with whom they originated, they could present but a feeble resistance to the attacks of the numerous and powerful classes whose privileges they abridged, and with whose ambition their continuance was incompatible. The prospect of recovering, during a long minority, the estates and the feudal perquisites which had been resumed or cut down by James the First; the near view of successful venality which constantly accompanied the possession of the great offices under an infant sovereign; and the facility in the execution of such schemes which every feudal government offered to any faction who were powerful or fortunate enough to possess themselves of the person of the king, rendered the period upon which we now enter one of great excitement amongst the Scottish nobles. The greater chiefs amongst them adopted every means to increase their personal strength and importance, recruiting the ranks of their armed vassals and followers, and placing persons of tried fidelity in their castles and strongholds; the lesser barons attached themselves to the more powerful by those leagues or bands which bound them by the strictest ties to work the will of their lord; and both classes set themselves attentively to watch the course of events, and to take immediate advantage of those sudden changes and emergencies which were so likely to arise in a country thrown into the utmost dismay and confusion by the murder of the sovereign.

But although such appear to have been the low and interested feelings of the greater proportion of the nobility, we are not to suppose that the support of the crown and the cause of order and good government were utterly abandoned. They still retained many friends in the dignified clergy, as well as among those learned and able Churchmen from whose ranks the legal officers of the crown, and the diplomatic agents who transacted all foreign missions and alliances, were generally selected; and they could undoubtedly reckon upon the attachment of the mercantile and commercial classes, now gradually rising into importance, and upon the affectionate support of the great body of the lower orders, in so far as they were left untrammelled by the fetters of their feudal servitude.

Whilst such were the sentiments which animated the various bodies in the state upon the murder of the king, it may easily be supposed that terror was the first feeling which arose in the bosom of the queen-mother. Utterly uncertain as to the ramifications of the conspiracy, and trembling lest the same vengeance which had fallen upon the father should pursue the son, she instantly fled with the young prince to Edinburgh, nor did she esteem herself secure till she had retreated with her charge within the castle. The command of this fortress, rendered now a place of far higher importance than usual by its affording a retreat to the queen and the prince,

was at this time in the hands of William Crichton, baron of Crichton, and master of the household to the late king, a person of great craft and ambition, and who, although still in the ranks of the lower nobility, was destined to act a principal part in the future history of the times.[1]

After the first panic had subsided, a parliament assembled at Edinburgh within less than a month after the murder of the king, and measures appear to have been adopted for the government of the country during the minority. The first care, however, was the coronation of the young prince, and for this purpose the principal nobles and barons of the kingdom, with the dignified clergy and a great multitude of the free tenants of the crown, conducted him in procession from the castle of Edinburgh to the abbey of Holyrood, where he was crowned and anointed amid demonstrations of universal loyalty.[2]

Under any other circumstances than those in which James succeeded, the long-established custom of conducting the ceremony of the coronation at the Abbey of Scone would not have been departed from, but its proximity to the scene of the murder rendered it dangerous and suspected; and as delay was equally hazardous, the queen was obliged to purchase security and speed at the expense of somewhat of that solemnity which would otherwise have accompanied the pageant. Two important measures followed the coronation. The first, the nomination of the queen-mother to undertake the custody of the king till he had attained his majority, and to become at the same time the guardian of the princesses, his sisters, with an annual allowance of four thousand marks;[3] the second, the appointment of Archibald, fifth earl of Douglas and duke of Touraine, to be lieutenant-general of the kingdom.[4] This baron, undoubtedly the most powerful subject in Scotland, and whose revenue from his estates at home and in France was probably nearly equal to that of his sovereign was the son of Archibald, fourth earl of Douglas, who was slain at the battle of Verneuil, and of Margaret, daughter to King Robert the Third, so that he was nephew of the late king. His power, however, proved to be of short duration, for he lived little more than a year after his nomination to this high office.

It is unfortunate that no perfect record has been preserved of the proceedings of the first parliament of James the Second. From a mutilated fragment which remains, it is certain that it was composed, as usual, of the clergy, barons, and commissaries of the burghs, and that all alienations of lands, as well as of movable property, which happened to be in the possession of the late king at his death, and which had been made without consent of the three estates, were revoked, whilst an inventory of the goods and treasure in the royal coffers was directed to be taken, and an injunction given that no alienation of the king's lands or property should be made to

[1] Registrum Magni Sigilli, B. III. No. 161. His first appearance is in Rymer, vol. x. p. 309, amongst the nobility who met James the First at Durham, on his return from his long detention in England. See also Crawford's Officers of State, p. 25, for his title of Magister Hospitii, as proved by a charter then in the possession of Sir Peter Fraser of Dores, Bart. See also MS. Chamberlain Rolls, July 4, 1438. "Et pro quinque barellis de Hamburgh salmonum salsorum, liberatis per computantem et liberatis Domino Willielmo de Crechtoun, custodi Castri de Edinburgh, fatenti receptum super computum, ad expensas domini nostri regis moderni, de quibus dictus dominus respondebit ix. lib." Again, MS. Chamberlain Rolls, July 5. 1438. "Per liberacionem factam Domino Willielmo de Crechtoun, Vice-comiti et custodi Castri de Edinburgh, ut patet per literam suam sub signeto ostensam super computum iiii^xx librarum de quibus asserit quinquaginta libras receptas ad expensas coronacionis domini nostri regis moderni."

[2] "Cum maximo applausu et apparatu ad laudem Dei et læticiam tocius populi."—Acts of the Parliament of Scotland, vol. ii. p. 31.

[3] Acts of the Parliament of Scotland, vol. ii. p. 54.

[4] Sir Thomas Boyd of Kilmarnock, in his account in Exchequer of the rent of Duchale in Ward, takes credit for the following payment: —"Et per solucionem factam Domino Comiti de Douglas, locum tenenti domini regis, in partem feodi sui de anno, 1438, dicto domino locum tenenti fatenti receptum super computum sexaginta librarum."—MS. Chamberlain Rolls, sub anno 1438.

any person whatever without the consent of the three estates, until he had reached his full age of twenty-one years.[1] We may conjecture on strong grounds that the subjects to which the general council next turned their attention were the establishment of a peace with England, and the renewal of amicable relations with the court of France and the commercial states of Holland.

With regard to peace with England, various circumstances concurred in the condition of that country to facilitate the negotiation. Under the minority of Henry the Sixth, the war with France, and the struggle to maintain unimpaired the conquests of Henry the Fifth, required a concentration of the national strength and resources which must have been greatly weakened by any invasion upon the part of Scotland; and the Cardinal of Winchester, who was at this time possessed of the principal power in the government, was uncle to the Queen of Scotland. Commissioners were accordingly despatched by the Scottish parliament,[2] who, after a meeting with the English envoys, found little difficulty in concluding a nine years' truce between the two kingdoms, which was appointed to commence on the 1st of May 1438, and to terminate on the 1st of May 1447.[3] Its provisions contain some interesting enactments regarding the commercial intercourse between the two countries, deformed indeed by those unwise restrictions which were universal at this time throughout Europe, yet evincing an ardent anxiety for the prosperity of the country. In addition to the common stipulations against seizing vessels driven into port, and preventing shipwrecked mariners from returning home, it was agreed that if any vessel belonging to either country were carried by an enemy into a port of the other kingdom, no sale of the vessel or cargo should be permitted without the consent of the original owners; that no vessel driven into any port should be liable to arrest for any debt of the king or of any other person, but that all creditors should have safe-conducts in order to sue for and recover their debts with lawful damages and interest; that in cases of shipwreck the property should be preserved and delivered to the owners; that when goods were landed for the purpose of repairing the ship they might be reshipped in the same, or in any other vessel without payment of duties; and that vessels of either kingdom putting into ports of the other in distress for provisions might sell goods for that purpose without being chargeable with customs for the rest of the cargo. It was finally provided that no wool or woolfels should be carried from one kingdom to the other, either by land or by water; and that in all cases of depredation not only the chief offenders, but also the receivers and encouragers, and even the communities of the towns in which the plundered goods were received, should be liable for compensation to the sufferers, who might sue for redress before the conservators of the truce or the wardens of the marches. The principal of these conservators for England were the king's uncle, the Duke of Gloucester, and his kinsman, the Duke of Norfolk, with the Earls of Salisbury, Northumberland, and Westmoreland; and for Scotland, Archibald, earl of Douglas and duke of Touraine, with the Earls of Angus, Crawford, and Avendale, and the Lords Gordon, Maxwell, Montgomery, and Crichton.[4] Care was taken to send an intimation of the truce to the Scottish merchants who were resident in Holland and in Zealand; and with regard to France, although there can be little doubt from the ancient alliance with Scotland, and the marriage of the sister of the king to the Dauphin,

[1] Acts of the Parliament of Scotland, vol. ii. p. 31.

[2] Rymer, Fœdera, vol. x. pp. 679, 680, 684.

[3] Chamberlain MS. Rolls computum Johannis de Fyfe Receptoris firmarum de Schines, &c. "Et allocatur pro expensis Dominorum de Gordoun, et de Montegomeri ac aliorum ambassatorum regni factis in Anglia pro treugis inter regna ineundis. iiii^{xx} iij^{lib} vi^{s} viii^{d}."

[4] Rymer, Fœdera, vol. x. p. 695. Rotuli Scotiæ, vol. ii. pp. 306, 310. M'Pherson's Annals of Commerce, vol. i. p. 654.

that the feelings of the country were strongly attached to the cause of Charles the Seventh, and that the total expulsion of the English would have been an event joyfully welcomed in Scotland; yet the reverses experienced in the battles of Crevant and Verneuil effectually cooled the ardour of that kingdom for foreign war, and appear to have compelled the nation to a temporary and unwilling neutrality.

We have seen that Antony, bishop of Urbino, the Papal legate, was in Scotland at the time of the murder of the late king, and that a general council of the clergy, which had been called at Perth for the purpose of receiving his credentials, was abruptly broken off by this event. The destruction of all contemporary records has unfortunately left the proceedings of this council in complete obscurity; and we only know that, towards the conclusion of the year 1438, Sir Andrew Meldrum, a knight of St John of Jerusalem, was despatched through England into Scotland, on a mission connected with the "good of religion," and that a Papal nuncio, Alfonso de Crucifubreis, proceeded about the same time to the Scottish court.[1] It is not improbable that the Church, which, at the present moment, felt deep alarm from the disorders of the Hussites in Bohemia, and the growth of heresy in England, was anxious to engage on its side the council and ministers of the infant monarch of Scotland, and to interest them in putting down those heterodox opinions which, it is certain, during the last reign, had made a considerable progress in that country.

An extraordinary event now claims our attention, which is involved in much obscurity, but drew after it important results. The queen-mother soon found that the castle of Edinburgh, an asylum which she had so willingly sought for her son the king, was rendered, by the vigilance and jealousy of Crichton the governor, much too difficult of access to herself and her friends. It was, in truth, no longer the queen, but this ambitious baron, who was the keeper of the royal person. Under the pretence of superintending the expenses of the household, he seized[2] and dilapidated the royal revenues, surrounded the young sovereign by his own creatures, and permitted neither the queen-mother, the lieutenant-general of the kingdom, nor Sir Alexander Livingston of Callander, a baron who had been in high favour with the late king, to have any share in the government. Finding it impossible, by any remonstrances, to obtain her wishes, the queen had recourse to stratagem. At the conclusion of a visit of a few days, which she had been permitted to pay to her son, it was dexterously managed that the prince should be concealed in a large wardrobe chest, which was carried along with some luggage out of the castle. In this he was conveyed to Leith, and from thence transported by water to Stirling castle, the jointure-house of his mother, which was at this time under the command of Livingston of Callander. Whether the Earl of Douglas, the Bishop of Glasgow, who was chancellor, or any of the other officers of state, were privy to this successful enterprise, there are unfortunately no documents to determine; but it seems difficult to believe that the queen should have undertaken it and carried it through without some powerful assistants; and it is still more extraordinary that no proceedings appear to have been adopted against Crichton for his unjustifiable seclusion of the youthful monarch from his mother,—an act which, as it appears in the history of the times, must have almost amounted to treason.

The records of a parliament which was held at Edinburgh on the 27th of November 1438, by the Earl of Douglas, therein styled the lieutenant-general of the realm; and of a second meeting of the three estates, which assembled at Stirling on the 13th of March, in the same year, are so brief

[1] Rotuli Scotiæ, vol. ii. p. 311.

[2] Chamberlain MS. Rolls, computum Thomæ Cranstoun. Receptoris redituum regis ex parte australi aquæ de Forth. July 18, 1438.

and mutilated, that little light can be elicited either as to the different factions which unquestionably tore and divided the state, or regarding the provisions which were adopted by the wisdom of parliament for the healing of such disorders.

There is indeed a general provision for the remedy of the open plunder and robbery then prevalent in the country. The sheriff, within whose county the thieves had taken refuge, was commanded to see strict restoration made, and to denounce as rebels to the king's lieutenant all who refused to obey him, under the penalty of being himself removed from his office, and punished as the principal offender. But where there is strong reason to suspect that the lieutenant and the greater barons were themselves the robbers, and that the sheriffs were their immediate dependants, it may easily be believed that, unless in instances where they were desirous of cutting off some unfortunate spoiler who had incurred their resentment, the act was most imperfectly executed, if not universally evaded.[1]

Having liberated her son the king from the durance in which he had been kept by Crichton, the queen-mother appears for some time to have reposed unlimited confidence in the fidelity of Sir Alexander Livingston; whilst the Earl of Douglas, the most powerful man in the state, refused to connect himself with any faction; and, although nominally the lieutenant-general of the kingdom, took little interest in the scene of trouble and intrigue with which the youthful monarch was surrounded. It does not even appear that he presided in a parliament which was assembled at Stirling, probably a short time after the successful issue of the enterprise of the queen. In this meeting of the three estates the dreadful condition of the kingdom and the treasonable conduct of Sir William Crichton were, as far as we can judge from the mutilated records which have been preserved, the principal subjects for consideration. It was resolved that there should be two sessions held yearly within the realm, in which the lord-lieutenant and the king's council should sit—the first to begin on the day after the exaltation of Holy Cross; and the second on the first Monday in Lent thereafter following. At the same time, an enactment was passed, with an evident reference to Crichton, by which it was ordained that where any rebels had taken refuge within their castles or fortalices, and held the same against lawful authority, or wherever there was any "violent presumption of rebellion and destruction of the country," it became the duty of the lieutenant to raise the lieges, to besiege such places, and arrest the offenders, of whatever rank they might be.[2]

The Earl of Douglas, however, either too indolent to engage in an employment which would have required the utmost resolution, or too proud to embroil himself with what he considered the private feuds between Crichton and Livingston, refused to carry the act into execution; and Livingston, having raised his vassals, laid siege in person to the castle of Edinburgh. The events immediately succeeding are involved in much obscurity; so that, in the absence of original authorities, and the errors and contradictions of historians, it is difficult to discover their true causes, or to give any intelligible account of the sudden revolutions which took place. Amid these difficulties, I adopt the narrative which approaches nearest to those fragments of authentic evidence that have survived the common wreck.

When he perceived that he was beleaguered by the forces of Livingston, Crichton, who did not consider himself strong enough to contend singly against the united strength of the queen and this baron, secretly proposed a coalition to the Earl of Douglas, but his advances were received by that powerful chief with infinite scorn. The pride of the haughty potentate could ill brook any suggestion of a division of authority with one whom

[1] Acts of the Parliament of Scotland, vol. ii. p. 32.

[2] Acts of the Parliament of Scotland, vol. ii. p. 32.

he considered so far beneath him; and it is said that in a fit of bitter irony he declared how much satisfaction it would give him if his refusal should cause two such unprincipled disturbers of the public peace mutually to destroy each other. These rivals, however, although either of them would willingly have risen upon the ruin of the other, were too crafty to fulfil the wishes of the Earl of Douglas; and his proud answer, which was soon carried to their ears, seems to have produced in their minds a disposition towards a settlement of their differences. It was evident that singly they could have little hope of resisting the lieutenant-general of the kingdom: but Livingston possessed the confidence of the queen-mother, and the custody of the king, her son; and with this weight thrown into the scale, it was not unlikely that a coalition might enable them to make head against his authority. The result of such mutual feelings was a truce between the rival lords, which ended in a complete reconciliation, and in the delivery of the castle of Edinburgh into the hands of Sir William Livingston. The young king, whom he had carried along with him to Edinburgh, was presented by Crichton with the keys of the fortress, and supped there on the night when the agreement was concluded; on the morrow, the new friends divided between them the power which had thus fallen into their hands. Cameron, bishop of Glasgow, who was a partisan of the house of Douglas, and filled the place of chancellor, was deprived of a situation, in which there is reason to believe he had behaved with much rapacity. The vacant office was bestowed upon Crichton, whilst to Livingston was committed the guardianship of the king's person, and the chief management in the government.[1] With regard to Douglas, it is not easy to ascertain what measures were resolved upon; and it is probable that this great noble, confident in his own power, and in the high trust committed to him by the parliament, would have immediately proceeded against the confederate lords, as traitors to the state. But at this important crisis he was suddenly attacked by a malignant fever, and died at Restalrig on the 26th of June 1439,[2] leaving an immense and dangerous inheritance of power and pride to his son, a youth of only seventeen years of age.

The coalition might, therefore, for the present, be regarded as completely triumphant; and Livingston and Crichton, possessed of the king's person, and enjoying that unlimited command over the queen-mother against which an unprotected woman could offer no resistance, were at liberty to reward their friends, to requite their enemies, and to administer the affairs of the government with a power which, for a while, seemed little short of absolute. The consequences of this state of things were such as might have been anticipated. The administration of the government became venal and disorderly. Owing to the infancy of the king, and the neglect of appointing a lieutenant-general, or governor of the realm, in the place of the Duke of Touraine, the nation knew not where to look for that firm controlling authority which should punish the guilty, and protect the honest and industrious. Those tyrannical barons, with which Scotland at this period abounded in common with the other countries of Europe, began to stir and be busy in the anticipation of a rich harvest of plunder, and to entertain and increase their troops of retainers; whose numbers and strength, as they calculated, would induce Livingston, Crichton, and the lords of their party, to attach them at any price to their service.

Meanwhile, in the midst of this general confusion, the right of private

[1] May 3, 1439, Cameron is Chancellor. Mag. Sig. iii. 123. June 10, 1439, Crichton is Chancellor. Ibi l. ii. 141.

[2] Gray's MS. Advocates' Library, rr. i. 17. "Obitus Domini Archibaldi Ducis Turonensis Comitis de Douglas ac Domini Galwidiæ, apud Restalrig, 26 die mensis Junii, anno 1439, qui jacet apud Douglas." See, for a beautiful engraving of his monument, Blore's Monumental Remains, Part I. No. IV., a work which, it is to be regretted, did not meet with the encouragement it justly merited.

war, and the prevalence of deadly feud, those two curses of the feudal system, flourished in increased strength and virulence. Sir Alan Stewart of Darnley, who had held the high office of Constable of the Scottish army in France,[1] was treacherously slain at Polmais Thorn, between Falkirk and Linlithgow, by Sir Thomas Boyd of Kilmarnock, for "auld feud which was betwixt them," in revenge of which, Sir Alexander Stewart collected his vassals, and, in "plain battle," to use the expressive words of an old historian, "manfully set upon Sir Thomas Boyd, who was cruelly slain, with many brave men on both sides." The ground where the conflict took place was at Craignaucht Hill, a romantic spot, near Neilston, in Renfrewshire; and with such determined bravery was it contested, that it is said the parties by mutual consent retired sundry times to rest and recover breath, after which they recommenced the combat to the sound of the trumpet, till the victory at last declared for the Stewarts. These slaughters and contests amongst the higher ranks produced their usual abundant increase of robbery, plunder, burning, and murder, amongst the large body of the friends and vassals who were in the remotest degree connected with the parties; so that, whilst Livingston and Crichton possessed the supreme power, and, with a few of their favourites, flourished upon the outlawries and forfeitures, and kept a firm hold over the person of the youthful monarch, whom they immured along with his mother, the queen, in Stirling castle, the state of the country became so deplorable as to call aloud for redress.

It was at this dark period that the queen-mother, who was in the prime of life, and still a beautiful woman, finding that she was little else than a prisoner in the hands of Livingston, determined to procure protection for herself by marriage. Whether it was an alliance of love or of ambition, is not apparent; but it is certain that Margaret, unknown to the faction by whom she was so strictly guarded, espoused Sir James Stewart, third son of John Stewart, lord of Lorn,[2] and commonly known by the name of the Black Knight of Lorn. This powerful baron was in strict alliance with the house of Douglas.[3] As husband of the queen-mother, to whom, in the first instance, the parliament had committed the custody of the king's person, he might plausibly insist upon a principal share in the education of the youthful prince, as well as in the administration of the government; and a coalition between the party of the queen-mother and the Earl of Douglas might, if managed with prudence and address, have put a speedy termination to the unprincipled tyranny of Livingston.

But this able and crafty baron, who ruled all things around the court at his pleasure, had earlier information of these intrigues than the queen and her husband imagined; and whilst they, confiding in his pretended approval of their marriage, imprudently remained within his power, Sir James was suddenly arrested, with his brother, Sir William Stewart, and cast into a dungeon in Stirling castle, with every circumstance of cruelty and ignominy. An ancient manuscript affirms that Livingston put "thaim in pittis and bollit thaim:"[4] an expression of which the meaning is obscure; but to whatever atrocity these words allude, it was soon shewn that the ambition and audacity of the governor of Stirling was not to be contented with the imprisonment of the Black Knight of Lorn. Almost immediately after this act of violence, the apartments of the queen herself, who then resided in the castle, were invaded by Livingston; and although the servants of her court, headed by Napier,[5] one of her household, made a violent resistance, in which this gentleman was

[1] Andrew Stewart's Hist. of the Stewarts, pp. 165, 166.

[2] Duncan Stewart's Hist. and Geneal. Account of the Royal Family of Scotland, p. 171.

[3] Lesley's History, p. 14. Bannatyne edit.

[4] Auchinleck Chronicle, privately printed by Mr Thomson, Deputy-Clerk Register of Scotland, p. 34, almost the solitary authentic record of this obscure reign.

[5] Royal Charter by James II., March 7, 1449-50, to Alexander Napier, of the lands of Philde, Mag. Sig. iv. 4.

wounded, his royal mistress was torn from her chamber, and committed to an apartment, where she was placed under a guard, and cut off from all communication with her husband or his party.

It is impossible to believe that Livingston would have dared to adopt these treasonable measures, which afterwards cost him his head, unless he had been supported by a powerful faction, and by an armed force, which, for the time, was sufficient to overcome all resistance. The extraordinary scene which followed can only be explained upon this supposition. A general convention of the nobility was held at Stirling, after the imprisonment of the queen. It was attended by the Bishops of Glasgow, Moray, Ross, and Dunblane, upon the part of the clergy; and for the nobility, by the Earl of Douglas, Alexander Seton, lord of Gordon, Sir William Crichton, chancellor, and Walter, lord of Dirleton; and at the same time, that there might at least be an appearance of the presence of a third estate, James of Parcle, commissary of Linlithgow, William Cranston, burgess and commissary of Edinburgh, and Andrew Reid, burgess and commissary of Inverness, were present as representatives of the burghs, and sanctioned, by their seals, the transaction which took place. In this convention, the queen-mother, with advice and consent of this faction, which usurped to themselves the name of the three estates, resigned into the keeping of Sir Alexander Livingston of Callander the person of the king, her dearest son, until he had reached his majority; she at the same time surrendered in loan to the same baron her castle of Stirling, as the residence of the youthful monarch; and for the due maintenance of his household and dignity, conveyed to him her annual allowance of four thousand marks, granted by the parliament upon the death of the king her husband. The same deed which recorded this strange and unexpected revolution declared that the queen had remitted to Sir Alexander Livingston and his accomplices all rancour of mind which she had erroneously conceived against them for the imprisonment of her person, being convinced that their conduct had been actuated by none other motives than those of truth, loyalty, and a zealous anxiety for the safety of their sovereign. It provided also that the lords and barons who were to compose the retinue of the queen should be approved of by Livingston; and that this princess might have access to her son at all times, with the cautious proviso, that such interview should take place in the presence of unsuspected persons: in the event of the king's death, the castle was to be redelivered to the queen; and it was lastly stipulated that the Lord of Livingston and his friends were not to be annoyed or brought "nearer the death" for any part which they might have acted in these important transactions.[1]

It would be ridiculous to imagine that this pardon and sudden confidence, bestowed with so much apparent cordiality, could be anything else than hollow and compulsory. That the queen should have received into her intimate councils the traitors who, not a month before, had violently seized and imprisoned her husband, invaded her royal chamber, staining it with blood, and reducing her to a state of captivity, is too absurd to be accounted for even by the mutability of female caprice. The whole transaction exhibits an extraordinary picture of the country,—of the despotic power which, in a few weeks, might be lodged in the hands of a successful and unprincipled faction,—of the pitiable weakness of the party of the queen, and the corruption and venality of the great officers of the crown. It must have been evident to the queen-mother that Livingston and Crichton divided between them the supreme power; and, in terror for the life of her husband, and dreading her own perpetual imprisonment, she seems to have consented to purchase security and freedom at the price of the liberty and independence of the king, her son,

[1] Acts of the Parliament of Scotland, vol. ii. p. 54. The act is dated September 4, 1439.

then a boy in his ninth year. He was accordingly delivered up to Livingston, who kept him in a state of honourable captivity at Stirling.

This state of things could not be of long continuance. The coalition was from the first purely selfish; it depended for its continuance upon the strict division of authority between two ambitious rivals; and soon after, the chancellor, jealous of the superior power of Livingston, determined to make him sensible on how precarious a basis it was founded. Seizing the opportunity of the governor's absence at Perth, he rode with a strong body of his vassals, under cover of night, to the royal park of Stirling, in which the king was accustomed to take the pastime of the chase. Crichton, favoured by the darkness, concealed his followers in the wood; and, at sunrise, had the satisfaction to see the royal cavalcade approach the spot where he lay in ambush. In an instant the youthful monarch was surrounded by a multitude which rendered resistance hopeless; and the chancellor, kneeling, and with an action rather of affectionate submission than of command, taking hold of his bridle rein, besought him to leave that fortress, where he was more a prisoner than a king, and to permit himself to be rescued by his faithful subjects, and restored to his free rights as a sovereign. Saying this, Crichton conducted his willing victim, amid the applauses and loyal protestations of his vassals, to Linlithgow, where he was met by an armed escort, who conducted him to the castle of Edinburgh.[1]

To the king himself this transaction brought merely a change of masters; but to Livingston it was full not only of mortification, but danger. Although he would have been glad to have availed himself of the power, he distrusted the youth and versatility of the Earl of Douglas. To the queen-mother he had given cause of mortal offence, and there was no other individual in the country whose authority, if united to his own, was weighty enough to counteract the exorbitant power of the chancellor. He had recourse, therefore, to dissimulation; and coming to Edinburgh, accompanied by a small train, he despatched a flattering message to Crichton, deplored the misunderstanding which had taken place, and expressed his willingness to submit all differences to the judgment of their mutual friends, and to have the question regarding the custody of the royal person determined in the same manner. It happened that there were then present in Edinburgh two prelates, whose character for probity and wisdom peculiarly fitted them for the task of reconciling the rival lords. These were Leighton, bishop of Aberdeen, and Winchester, bishop of Moray, by whose mediation Crichton and Livingston, unarmed, and slenderly attended, repaired to the church of St Giles, where a reconciliation took place; the charge of the youthful monarch being once more intrusted to Livingston,[2] whilst the chancellor was rewarded by an increase of his individual authority in the management of the state, and the advancement of his personal friends to offices of trust and emolument.[3]

In the midst of these selfish and petty contests for power, the people were afflicted by almost every scourge which could be let loose upon a devoted country: by intestine feuds, by a severe famine, and by a widespread and deadly pestilence. The fierce inhabitants of the Western Isles, under the command of Lauchlan Maclean and Murdoch Gibson, two leaders notorious for their spoliations and murders, broke in upon the continent; and, not content with the devastation of the coast, pushed forward into the heart of the Lennox, where they slew Colquhoun of Luss in open battle, and reduced the whole district to the state of a blackened and depopulated desert.[4] Soon after this, the famine became so grievous, that multitudes of the poorer classes died of absolute want. It is stated in an

[1] January 1439. Lesley's Hist. p 15.

[2] Crawford's Officers of State, p. 28. Pinkerton, vol. i. p. 191.

[3] Buchanan and Bishop Lesley erroneously suppose that the custody of the king's person remained with the chancellor Crichton.

[4] Auchinleck Chronicle, p. 34.

ancient contemporary chronicle that the boll of wheat was then generally sold at forty shillings, and the boll of oatmeal at thirty. We know from the authority of Stow that the scarcity was also severely felt in England, where wheat rose from its ordinary price of five shillings and fourpence the quarter to one pound; and soon after, in the course of the year 1440, to one pound four shillings. The consequences of unwholesome food were soon seen in a dreadful sickness of the nature of dysentery, which broke out amongst the people, and carried away great numbers; so that, when the pestilence soon after arrived in Scotland, and its ravages were added to the already widely spread calamity, the unhappy country seemed rapidly advancing to a state of depopulation. This awful scourge, which first shewed itself at Dumfries, was emphatically denominated "the pestilence without mercy," for none were seized with it who did not certainly die within twenty-four hours after the attack.[1]

To these prolific causes of national misery there was added another in the overgrown power of the house of Douglas, and the evils which were encouraged by the lawless demeanour of its youthful chief. Upon the death of Archibald, duke of Touraine and fifth earl of Douglas, we have seen that the immense estates of this family devolved upon his son William, a youth who was then only in his seventeenth year; a period of life liable, even under the most common circumstances, to be corrupted by power and adulation. To Douglas, however, the accession brought a complication of trials, which it would have required the maturity of age and wisdom to have resisted. As Duke of Touraine, he was a peer of France, and possessed one of the richest principalities in that kingdom. In his own country he inherited estates, or rather provinces, in Galloway, Annandale, Wigtown, and other counties, which were covered by war-like vassals, and protected by numerous castles and fortalices; and in ancestry he could look to a long line of brave progenitors, springing, on the father's side, from the heroic stock of the Good Sir James, and connected, in the maternal line, with the royal family of Scotland. The effects of all this upon the character of the youthful earl were not long of making their appearance. He treated every person about him with an unbounded arrogance of demeanour; he affected a magnificence which outshone the splendour of the sovereign; when summoned by the governor in the name of the king, he disdained to attend the council-general, where he was bound to give suit and service as a vassal of the throne; and in the reception he gave to the messages which were addressed to him carried himself more as a supreme and independent prince than a subject who received the commands of his master. Soon after the death of his father he despatched Malcolm Fleming of Biggar, along with Alan Lauder of the Bass, as his ambassadors to carry his oath of allegiance to the French monarch, and receive his investiture in the dukedom of Touraine. The envoys appear to have been warmly welcomed by Charles the Seventh; and, flattered by the reception which was given them, as well as by his immediate accession to his foreign principality, Douglas increased his train of followers, enlisted into his service multitudes of idle, fierce, and unprincipled adventurers, who wore his arms, professing themselves his vassals only to obtain a licence for their tyranny, whilst within his own vast territories he openly insulted the authority of the government, and trampled upon the restraints of the laws.

A parliament in the meantime was assembled (2d August 1440) at Stirling, for the purpose of taking into consideration the disordered state of the country, and some of those remedies were again proposed which had already been attended with such frequent failure, not so much from any defect in principle, as from the imper-

[1] Auchinleck Chronicle, p. 34. "Thar tuke it nain that ever recoverit, bot that deit within twenty-four houris." Fleetwood, Chron. Preciosum, p. 83.

fect manner in which they were carried into execution. It was declared that the Holy Church should be maintained in freedom, and the persons and property of ecclesiastics universally protected; according to ancient usage, the justiciars on the southern and northern sides of the Firth of Forth were commanded to hold their courts twice in the year, whilst the same duty was to be faithfully performed by the lords of regalities, within their jurisdiction, and by the judges and officers of the sovereign upon the royal lands. On the occurrence of any rebellion, slaughter, or robbery, it was ordained that the king should instantly ride in person to the spot, and, summoning before him the sheriff of the county, see immediate justice done upon the offenders; for the more speedy execution of which, the barons were directed to assist with their persons, vassals, and property.[1] It was, in all probability, at this parliament that those grievous complaints were presented concerning the abuses which then prevailed throughout the country, which Lindsay of Pitscottie, the amusing historian of these times, has described as originating in the overgrown power of the house of Douglas. "Many and innumerable complaints were given in, whereof the like were never seen before. There were so many widows, bairns, and infants, seeking redress for their husbands, kindred, and friends, that were cruelly slain by wicked bloody murderers, sicklike many for herschip, theft and reif, that there was no man but he would have ruth and pity to hear the same. Shortly, murder, theft, and slaughter were come in such dalliance among the people, and the king's acts had fallen into such contempt, that no man wist where to seek refuge, unless he had sworn himself a servant to some common murderer or bloody tyrant, to maintain him contrary to the invasion of others, or else had given largely of his gear to save his life, and afford him peace and rest."[2]

[1] Acts of the Parliament of Scotland, vol. ii. pp. 32, 33.

[2] Pitscottie's History of Scotland, p 24.

There can be little doubt that this dreadful state of things was to be ascribed as much to the misgovernment of Livingston, and the lawless dominion of Crichton, as to the evil example which was afforded by the Earl of Douglas. On the one hand, that proud potentate, whilst he kept at a distance from court, and haughtily declined all interference with government, excused himself by alleging that the custody of the sovereign and the management of the state were in the hands of two ambitious and unprincipled tyrants who had treasonably possessed themselves of the king's person, and sanctioned by their example the outrages of which they complained. On the other, Livingston and the chancellor, with equal asperity, and more of the appearance of justice—for, however unwarrantably, they represented the supreme authority—complained that Douglas refused obedience to the summons of his sovereign; that he affected a state and magnificence unbecoming and dangerous in a subject; and traversed the country with an army of followers, whose excesses created the utmost misery and distress in whatever district he chose to fix his residence. Both complaints were true; and Livingston and Crichton soon became convinced that, to secure their own authority, they must crush the power of Douglas. For this purpose, they determined to set spies upon his conduct, and either to discover or create some occasion to work his ruin; whilst, unfortunately for himself, the prominent points of his character gave them every chance of success. He was still a youth, ambitious, violent, and courageous even to rashness; his rivals united to a coolness and wariness, which had been acquired in a long course of successful intrigues, an energy of purpose and a cruelty of heart which left no hope for a fallen enemy. In a contest between such unequal enemies, the triumph of the chancellor and Livingston might have been easily anticipated; but, unfortunately, much obscurity hangs over the history of their proceedings. In the failure of authen-

tic evidence, a conjecture may be hazarded that these crafty statesmen, by means of the paid flatterers with whom they surrounded the young earl, prevailed upon him to express doubts as to the legitimacy of the title of James the Second to the throne, and to advocate the pretensions of the children of Euphemia Ross, the second queen of Robert the Second. Nor, considering Douglas's own descent, was it at all unlikely that he should listen to such suggestions.[1] By his mother, Euphemia Graham, the daughter of Patrick, earl of Strathern, he was descended from Robert the Second; and his second queen, Euphemia, countess of Ross, whose children, notwithstanding an act of the legislature which declared the contrary, were disposed to consider their title to the crown preferable to any other. It is well known, on the other hand, that the Earl of Carrick, the son of Robert the Second, by his first marriage with Elizabeth More, was born to that monarch previous to his marriage with his mother, and that he succeeded to the crown by the title of Robert the Third, in consequence of that legal principle which permits the subsequent marriage of the parties to confer legitimacy upon the issue born out of wedlock. Under these circumstances, it is not difficult to imagine that the Earl of Douglas may have been induced to consider his mother's brother, Malise, earl of Strathern, as possessed of a more indubitable title to the crown than the present sovereign, and that a conspiracy to employ his immense and overgrown power in reinstating him in his rights may have been a project which was broached amongst his adherents, and carried to the ready ears of his enemies.[2] This theory proceeds upon the idea that Douglas was inclined to support the issue of Euphemia Ross, the queen of Robert the Second, in opposition to those of his first wife, who died before his accession to the throne; whilst, on the other hand, if the earl considered the title of James the First as unquestionable, he, as the grandson of James's eldest sister, Margaret, daughter of Robert the Third, might have persuaded himself that, upon the failure of James the Second without issue, he had a specious claim to the crown. When we take into consideration the fact that Douglas and his brother were tried for high treason, and remember that when the young king interceded for them, Crichton reprimanded him for a desire to gratify his pity at the expense of the security of his throne, it is difficult to resist the inference that in one or other of these ways the youthful baron had plotted against the crown.

Having obtained sufficient evidence of the guilt of Douglas to constitute against him and his near adherents a charge of treason, the next object of his enemies was to obtain possession of his person. For this purpose the chancellor Crichton addressed a letter to him, in which he flattered his youthful vanity, and regretted, in his own name and that of the governor Livingston, that any misunderstanding should have arisen which deprived the government of his services. He expressed, in the strongest terms, their anxiety that this should be removed, and concluded by inviting him to court, where he might have personal intercourse with his royal kinsman, where he would be received with the distinction and consideration befitting his high rank, and might contribute his advice and assistance in the management of the public affairs, and the suppression of those abuses which then destroyed the peace of the country. By this artful conduct, Crichton succeeded in disarming the resentment, without awakening the suspicions, of his opponent; and Douglas, in the openness of his disposition, fell into

which led directly to the murder of that monarch.

[1] Douglas's Peerage, vol. i. p. 428. By his father, the Earl of Douglas was a near kinsman of the king, for Douglas's father was cousin-german to James the Second, his mother being a daughter to Robert the Third.

[2] The reader will perhaps remember that the injustice of James the First to this noble youth, in depriving him of the earldom of Strathern, and the determined purpose of vengeance which instantly arose in the bosom of his uncle, Robert Graham, were the causes

the snare which had been laid for him. Accompanied by his only brother, David, his intimate friend and counsellor Sir Malcolm Fleming, and a slender train of attendants, he proceeded towards Edinburgh, at that moment the royal residence, and on his road thither was magnificently entertained by the chancellor at his castle of Crichton.[1] From thence he continued his journey to the capital; but before he entered the town it was observed by some of the gentlemen who rode in his train that there appeared to be too many private messages passing between the chancellor and the governor; and some of his counsellors, reminding him of an advice of his father, that in circumstances of danger he and his brother ought never to proceed together, entreated him either to turn back, or at least send forward his brother and remain himself where he then was. Confident, however, in his own opinion, and lulled into security by the magnificent hospitality of Crichton, Douglas rebuked his friends for their suspicions; and, entering the city, rode fearlessly to the castle, where he was met at the gates by Livingston with every expression of devotion, and conducted to the presence of his youthful sovereign, by whom he was treated with marked distinction.

The vengeance destined to fall upon the Douglases does not appear to have been immediate. It was necessary to secure the castle against any sudden attack; to find pretences for separating the earl from his accustomed attendants; and to make preparations for the pageant of a trial. During this interval, he was admitted to an intimate familiarity with the king; and James, who had just completed his tenth year, with the warm and sudden affection of that age, is said to have become fondly attached to him: but all was now ready, and the catastrophe at last was deplorably rapid and sanguinary. Whilst Douglas and his brother sat at dinner with the chancellor and Livingston, after a sumptuous entertainment, the courses were removed, and the two youths found themselves accused, in words of rude and sudden violence, as traitors to the state.[2] Aware, when too late, that they were betrayed, they started from the table, and attempted to escape from the apartment; but the door was beset by armed men, who, on a signal from Livingston, rushed into the chamber, and seized and bound their victims, regardless of their indignation and reproaches. It is said that the youthful monarch clung around Crichton, and pleaded earnestly, and even with tears, for his friends; yet the chancellor not only refused to listen, but sharply commanded him to cease his intercession for traitors who had menaced his throne. A hurried form of trial was now run through, at which the youthful king was compelled to preside in person; and, condemnation having been pronounced, the earl and his brother were instantly carried to execution, and beheaded in the back court of the castle. What were the precise charges brought against them cannot now be discovered. That they involved some expressions which reflected upon the right of the sovereign, and perhaps embraced a design for the restoration of the children of the second marriage of Robert the Second, from which union Douglas was himself descended, has been already stated as the most probable hypothesis in the absence of all authentic evidence.[3] It is certain that three

[1] Auctarium Scotichronici, apud Fordun, vol. ii. p. 514. Same vol. p. 490. Ferrerius, p. 382.

[2] Lesley's Hist. of Scotland, p. 16. I cannot follow the example of this writer in retaining the fable of the bull's head, which is unsupported by contemporary history. Illustrations, H.

[3] All the conspiracies against the royal family of Scotland, from the time of Robert Bruce to the execution of the Douglases, may be accounted for by two great objects: the first which characterises the conspiracy of David de Brechin against Robert the First, and that of the Earl of Douglas on the accession of Robert the Second, was the restoration of the right of the Baliols in preference to that of the Bruces; in other words, the reinstating the descendants of the eldest daughter of David, earl of Huntingdon, brother to King William the Lion, in their rights, in contradistinction to the children of the second daughter, whom they regarded as having in-

days after the execution, Malcolm Fleming of Cumbernauld, their confidential friend and adviser, was brought to trial on a charge of treason, and beheaded on the same ground, which was still wet with the blood of his chief.[1]

It might have been expected that the whole power of the house of Douglas would have been instantly directed against Livingston and the chancellor, to avenge an execution which, although sanctioned by the formality of a trial, was, from its secrecy and cruelty, little better than a state murder. Judging also from the common course adopted by the government after an execution for treason, we naturally look for the confiscation of the estates, and the division of the family property amongst the adherents of the governor and the chancellor; but here we are again met by a circumstance not easily explained. James, earl of Avendale, the grand-uncle of the murdered earl, to whom by law the greater part of his immense estates reverted, entered immediately into possession of them, and assumed the title of Earl of Douglas, without question or difficulty. That he was a man of fierce and determined character had been early shewn in his slaughter of Sir David Fleming of Cumbernauld, the father of the unfortunate baron who now shared the fate of the Douglases;[2] and yet, in an age when revenge was esteemed a sacred obligation, and under circumstances of provocation which might have roused remoter blood, we find him not only singularly supine, but, after a short period, united in the strictest bonds of intimacy with those who had destroyed the head of his house. The conjecture, therefore, of an acute historian, that the trial and execution of the Earl of Douglas was, perhaps, undertaken with the connivance and assistance of the next heir to the earldom, does not seem altogether improbable; whilst it is difficult to admit the easy solution of the problem which is brought forward by other inquirers, who discover that the uncommon obesity of the new successor to this dignity may have extinguished in him all ideas of revenge.

The death of the Earl of Douglas had the effect of abridging, for a short season, the overgrown power of the family. His French property and dukedom of Touraine, being a male fief, returned to the crown of France, whilst his large unentailed estates in the counties of Galloway and Wigtown, along with the domains of Balvenie and Ormond, reverted to his only sister Margaret, the most beautiful woman of her time, and generally known by the appellation of the Fair Maid of Galloway. The subsequent history of this youthful heiress affords another presumption that the alleged crime of Douglas, her brother, was not his overgrown power, but his treasonable designs against the government; for within three years after his death William, earl of Douglas, who had succeeded to his father, James the Gross, was permitted to marry his cousin of Galloway, and thus once more to unite in his person the immense estates of the family. Euphemia also, the duchess of Touraine, and the mother of the murdered earl, soon after the death of her son, acquired a powerful protector, by marrying Sir James Hamilton of Cadyow, afterwards Lord Hamilton.[3]

In the midst of these proceedings, which for a time strengthened the authority of Livingston and the chancellor, the foreign relations of the kingdom were fortunately of the most friendly character. The intercourse with England, during the continuance of the truce, appears to have been

truded into them. But in addition to this, a second object arose out of the first and second marriages of Robert the Second, which furnished another handle to discontent and conspiracy. To illustrate this, however, would exceed the limits of a note. See Illustrations, I.

[1] Auchinleck Chronicle, p. 35. In the charter-chest of the earldom of Wigtown at Cumbernauld is preserved the "Instrument of Falsing the Doom of the late Malcolm Fleming of Biggar." See Illustrations, K.

[2] Supra, p. 34.

[3] Andrew Stewart, Hist. of House of Stewart, p. 464.

maintained without interruption, not only between the subjects of either realm, who resorted from one country to the other for the purposes of commerce, travel, or pleasure, but by various mutual missions and embassies, undertaken apparently with the single design of confirming the good dispositions which subsisted between the two countries. With France the communication was still more cordial and constant; whilst a marriage between the Princess Isabella, the sister of the king, and Francis de Montfort, eldest son to the Duke of Bretagne, increased the friendship between the two kingdoms. An anecdote, preserved by the historian of Brittany, acquaints us with the character of the princess, and the opinions of John, surnamed the Good and Wise, as to the qualifications of a wife. On asking his ambassadors, after their return from Scotland, what opinion they had formed regarding the lady, he received for answer, that she was beautiful, elegantly formed, and in the bloom and vigour of health; but remarkably silent, not so much, as it appeared to them, from discretion, as from extreme simplicity. "Dear friends," said John the Good and Wise, "return speedily and bring her to me. She is the very woman I have been long in search of. By St Nicholas! a wife seems, to my mind, sufficiently acute if she can tell the difference between her husband's shirt and his shirt-ruffle." [1]

The general commercial prosperity of the Netherlands, with which Scotland had for many centuries carried on a flourishing and lucrative trade, had been injured at this time by a war with England, and by intestine commotions amongst themselves; but with Scotland their commercial relations do not appear to have experienced any material interruption; and, although the precise object of his mission is not discoverable, Thomas, bishop of Orkney, in 1441, repaired to Flanders, in all probability for the purpose of confirming the amicable correspondence between the two countries, and congratulating them on the cessation of foreign war and domestic dissension.[2] Whilst such were the favourable dispositions entertained by England, France, and the Netherlands, it appears, from the public records, that the court of Rome was anxious at this time to maintain a close correspondence with Scotland; and there is reason for suspecting that the growth of Lollardism, and the progress of those heretical opinions for which Resby had suffered in 1407, and against which the parliament of James the First directed their censures in 1424, were the causes which led to the frequent missions from the Holy See. In 1438, Andrew Meldrum, a knight of St John of Jerusalem, paid a visit to the Scottish court on a mission connected with the good of religion. In the following year, Alfonso de Crucifubreis, the Papal nuncio, obtained a passport for the purpose of proceeding through England into Scotland; and, in 1439, William Croyser, a native of that country, but apparently resident at Rome, invested also with the character of nuncio of the apostolic see, and in company with two priests of the names of Turnbull and Lithgow, repaired to Scotland, where he appears to have remained, engaged in ecclesiastical negotiations, for a considerable period. It is unfortunate that there are no public muniments which tend to explain or to illustrate the specific object of the mission.[3]

But although threatened with no dangers from abroad, the accumulated evils which in all feudal kingdoms have attended the minority of the sovereign continued to afflict the country at home. On the death of his father, James the Gross, the ability, the pride, and the power of the house of Douglas, revived with appalling strength and vigour in William, the eighth Earl of Douglas, his son and successor, inferior in talents and ambition to none who had borne the name before him. By his mother, Lady

[1] See Lobineam, Histoire de Bretagne, pp. 619, 621, for a beautiful portrait of this princess, taken from an original in the cathedral church of Vannes.

[2] Rotuli Scotiæ, vol. ii. p. 319.

[3] Ibid. p. 302-315. Ibid. pp. 311, 317.

Beatrix Sinclair, he was descended from a sister of King Robert the Third;[1] by his father, from the Lady Christian Bruce, sister of Robert the First.[2] His extensive estates gave him the command of a more powerful army of military vassals than any other baron in the kingdom, whilst the situation of these estates made him almost an absolute monarch upon the Borders, which, upon any disgust or offence offered him by the government, he could open to the invasion of England, or fortify against the arm and authority of the law. He was supported also by many warlike and potent lords in his own family, and by connexion with some of the most ancient and influential houses in Scotland. His mother, a daughter of the house of Sinclair, earl of Orkney, gave him the alliance of this northern baron; his brothers were the Earls of Moray and Ormond; by his married sisters he was in strict friendship with the Hays of Errol, the Flemings, and the Lord of Dalkeith.

The possession of this great influence only stimulated an ambitious man like Douglas to grasp at still higher authority; and two paramount objects presented themselves to his mind, to the prosecution of which he devoted himself with constant solicitude, and which afford a strong light to guide us through a portion of the history of the country, hitherto involved in obscurity. The first of these was to marry the Fair Maid of Galloway, his own cousin, and thus once more unite in his person the whole power of the house of Douglas. The second, by means of this overwhelming influence, to obtain the supreme management of the state as governor of the kingdom, and to act over again the history of the usurpation of Albany and the captivity of James the First. It must not be forgotten, also, that the heiress of Galloway was descended, by the father's side, from the eldest sister of James the First, and, by the mother, from David, earl of Strathern, eldest son of Robert the Second by his second marriage. It is not therefore impossible that, in the event of the death of James the Second, some vague idea of asserting a claim to the crown may have suggested itself to the imagination of this ambitious baron.

Upon Livingston and the chancellor, on the other hand, the plans of Douglas could not fail to have an important influence. The possession of such overgrown estates in the hands of a single subject necessarily rendered his friendship or his enmity a matter of extreme importance to these statesmen, whose union was that of fear and necessity, not of friendship. Both were well aware that upon the loss of their offices there would be a brief interval between their disgrace and their destruction. Crichton knew that he was liable to a charge of treason for the forcible seizure of the king's person at Stirling; Livingston, that his imprisonment of the queen and his usurpation of the government made him equally guilty with the chancellor; and both, that they had to answer for a long catalogue of crimes, confiscations, and illegal imprisonments, which, when the day of reckoning at last arrived, must exclude them from all hope of mercy. To secure, therefore, the exclusive friendship of Douglas, and to employ his resources in the mutual destruction of each other, was the great object which governed their policy. In the meantime, the youthful monarch, who had not yet completed his thirteenth year, beheld his kingdom transformed into a stage on which his nobles contended for the chief power; whilst his subjects were cruelly oppressed, and he himself handed about, a passive puppet, from the failing grasp of one faction into the more iron tutelage of a more successful party in the state. It is scarcely possible to conceive a more miserable picture of a nation, either as it regards the happiness of the king or of the people.

It is not therefore surprising that, soon after this, the state of the country, abandoned by those who possessed the highest offices only to con

[1] Douglas's Peerage, vol. i. p. 429.
[2] Ibid. vol. i. p. 220.

vert them into instruments of their individual ambition, called loudly for some immediate interference and redress. Sir Robert Erskine, who claimed the earldom of Mar, and apparently on just grounds, finding himself opposed by the intrigues of the chancellor, took the law into his own hands, and laying siege to the castle of Kildrummie, carried it by storm; upon which the king, or rather his ministers, seized the castle of Alloa, the property of Erskine. This same baron, as sheriff of the Lennox, was Governor of Dumbarton, one of the strongest fortresses in the kingdom; but during his absence in the north, Galbraith of Culcreuch, a partisan of the Earl of Douglas, with the connivance of his master, and the secret encouragement of Crichton, ascended the rock with a few followers, and forcing an entrance by Wallace's tower, slew Robert Sempill, the captain, and overpowering the garrison, made themselves masters of the place.[1] In the north, Sir William Ruthven, sheriff of Perth, attempting, in the execution of his office, to conduct a culprit to the gallows, was attacked by John Gorme Stewart of Athole, at the head of a strong party of armed Highlanders, who had determined to rescue their countryman from the vengeance of the law. Stewart had once before been serviceable to government, in employing the wild freebooters whom he commanded to seize the traitor Graham, who, after the murder of James the First, had concealed himself in the fastnesses of Athole; but, under the capriciousness of a feudal government, the arm which one day assisted the execution of the law might the next be lifted up in defiance of its authority; and Stewart, no doubt, argued that his securing one traitor entitled him, when it suited his own convenience, to let loose another. Ruthven, however, a brave and determined baron, at the head of his vassals, resented this interference; and, after a sanguinary conflict upon the North Inch of Perth, both he and his fierce opponent were left dead upon the field.[2]

In the midst of these outrageous proceedings, the Earl of Douglas, in prosecution of his scheme for his marriage with the heiress of Galloway, entered into a coalition with Livingston, the king's governor. Livingston's grandson, Sir James Hamilton of Cadyow, had married Euphemia, dowager-duchess of Touraine, the mother of Douglas's first wife; and it is by no means improbable that the friends of the Maiden of Galloway, who was to bring with her so noble a dowry, consented to her union with the Earl of Douglas upon a promise of this great noble to unite his influence with the governor, and put down the arrogant domination of the chancellor. The events, at least, which immediately occurred demonstrate some coalition of this sort. Douglas, arriving suddenly at Stirling castle with a modest train, instead of the army of followers by which he was commonly attended, besought and gained admittance into the royal presence, with the humble purpose, as he declared, of excusing himself from any concern in those scenes of violence which had been lately enacted at Perth and Dumbarton. The king, as was reported, not only received his apology with a gracious ear, but was so much prepossessed by his winning address, and his declarations of devoted loyalty, that he made him a member of his privy council, and appears soon after to have conferred upon him the office of lieutenant-general of the kingdom,[3] which had been enjoyed by the first Duke of Touraine. The consequence of this sudden elevation of Douglas was the immediate flight of the chancellor Crichton to the castle of Edinburgh, where he began to strengthen the fortifications, to lay in provisions, and to

[1] Auchinleck Chronicle, p. 35. Wallace's tower was probably the tower in which Wallace was confined after his capture by Menteith.

[2] Auchinleck Chronicle, p. 35.

[3] Ibid. p. 36. Lesley's Hist. p. 17. The appointment of Douglas to be lieutenant-general is not founded on certain historical evidence, but inferred from his subsequent conduct, and from his subsequent deprivation. Postea, p. 152.

recruit his garrison, as if he contemplated a regular siege. To imagine that this elevation of Douglas was accomplished by the king, a boy who had not yet completed his thirteenth year, would be ridiculous. It was evidently the work of the governor, who held an exclusive power over the king's person; and it indicated, for the moment, a coalition of parties, which might well make Crichton tremble.

In the meantime, Livingston, pleading his advanced age, transferred to his eldest son, Sir James, the weighty charge of the sovereign's person, and his government of Stirling castle; whilst Douglas, in the active exercise of his new office of lieutenant-general, which entitled him to summon in the king's name, and obtain delivery of any fortress in the kingdom, assembled a large military force. At the head of these troops, and attended by the members of the royal household and privy council, he proceeded to the castle of Barnton, in Mid-Lothian, the property of the chancellor Crichton, demanded its delivery in the king's behalf, and exhibited the order which entitled him to make the requisition. To this haughty demand, the governor of the fortress, Sir Andrew Crichton, sent at first a peremptory refusal; but, after a short interval, the preparations for a siege, and the display of the king's banner, overcame his resolution, and induced him to capitulate. Encouraged by this success, Douglas levelled the castle with the ground, and summoned the chancellor Crichton, and his adherents, to attend a parliament at Stirling, to answer before his peers upon a charge of high treason. The reply made to this by the proud baron was of a strictly feudal nature, and consisted in a *raid* or predatory expedition, in which the whole military vassals of the house of Crichton broke out with fire and sword upon the lands of the Earl of Douglas, and of his adherent, Sir John Forester of Corstorphine, and inflicted that sudden and summary vengeance which gratified the feelings of their chief, and satisfied their own lust for plunder.[1] Whilst the chancellor thus let loose his vassals upon those who meditated his ruin, his estates were confiscated in the parliament which met at Stirling; his friends and adherents, who disdained or dreaded to appear and plead to the charges brought against them, were outlawed, and declared rebels to the king's authority; and he himself, shut up in the castle of Edinburgh, concentrated his powers of resistance, and pondered over the likeliest method of averting his total destruction.

Douglas, in the meantime, received, through the influence of the Livingstons, the reward to which he had ardently looked forward. A divorce was obtained from his first countess; a dispensation arrived from Rome, permitting the marriage between himself and his cousin; and although still a girl, who had not completed her twelfth year, the Fair Maid of Galloway[2] was united to the earl, and the immense estates which had fallen asunder upon the execution of William were once more concentrated in the person of the lieutenant-general of the kingdom. In this manner did Livingston, for the purpose of gratifying his ancient feud with the chancellor, lend his influence to the accumulation of a power, in the hands of an ambitious subject, which was incompatible with the welfare of the state or the safety of the sovereign.

But although the monarch was thus abandoned by those who ought to have defended his rights, and the happiness of the state sacrificed to the gratification of individual revenge, there were still a few honest and upright men to be found, who foresaw the danger, and interposed their authority to prevent it; and of these the principal, equally distinguished by his talents, his integrity, and his high birth, was

[1] Auchinleck Chronicle, pp. 36, 37.

[2] In the dispensation obtained afterwards for her marriage with her brother-in-law, it appears that, at the time of her first marriage, she was "infra nubiles annos." Andrew Stewart's Hist. p. 444. The existence of a first countess of Earl William is shewn by the "Great Seal, vii. No. 214. under 13th Oct. 1472; and 248. under 22d Jan. 1472-3."

Kennedy, bishop of St Andrews, a sister's son of James the First, and by this near connexion with the king, entitled to stand forward as his defender against the ambitious faction who maintained possession of his person. Kennedy's rank, as head of the Scottish Church, invested him with an authority, to which, amid the general corruption and licentiousness of the other officers in the state, the people looked with reverence and affection. His mind, which was of the highest order of intellect, had been cultivated by a learned and excellent education, enlightened by foreign travel, and exalted by a spirit of unaffected piety. During a residence of four years at Rome, he had risen into esteem with the honester part of the Roman clergy; and, aware of the abuses which had been introduced, during the minority of the sovereign, into the government of the Church—of the venality of the presentations—the dilapidation of the ecclesiastical lands—the appointment of the licentious dependants of the feudal barons who had usurped the supreme power,—Kennedy, with a resolution which nothing could intimidate, devoted his attention to the reformation of the manners of the clergy, the dissemination of knowledge, and the detection of all abuses connected with the ecclesiastical government. Upon the disgrace of Crichton, this eminent person was advanced to the important office of chancellor, which he retained only for a brief period; and in his double capacity of primate and head of the law, there were few subjects which did not, in one way or other, come within the reach of his conscientious and inquiring spirit.

Upon even a superficial examination of the state of the country, it required little discernment to discover that out of the union of the two parties of the Livingstons and the Douglases had already sprung an infinite multitude of grievances, which weighed heavily upon the people, and that, if not speedily counteracted, the further growth of this coalition might endanger the security of the crown, and threaten the life of the sovereign. The penetrating spirit of Kennedy soon detected an alarming confirmation of these suspicions in the assiduity evinced by Douglas to draw within the coalition between himself and Livingston all the proudest and most powerful of the feudal families, as well as in the preference which he manifested for those to whom the severity of the government of James the First had already given cause of offence and dissatisfaction, and who, with the unforgiving spirit of feudal times, transferred to the person of his son the hatred with which they had regarded the father. Of this there was a striking example in a league or association which Douglas at this time entered into with Alexander, the second earl of Crawford, who had married Mariot de Dunbar, the sister of that unfortunate Earl of March whom we have seen stripped of his ancient and extensive inheritance by James the First, under circumstances of such severity, and at best of such equivocal justice, as could never be forgotten by the remotest connexions of the sufferer.[1] When Kennedy observed such associations, indicating in Douglas a purpose of concentrating around him, not only the most powerful barons, but the most bitter enemies of the ruling dynasty, he at once threw the whole weight of his authority and experience into the scale of the late chancellor, and united cordially with Crichton in an endeavour to defeat such formidable purposes. But he was instantly awakened to the dangers of such a proceeding by the ferocity with which his interference was resented. At the instigation of the lord-lieutenant, the Earl of Crawford, along with Alexander Ogilvy, Livingston, governor of Stirling castle, Lord Hamilton, and Robert Reoch, a wild Highland chief, assembled an overwhelming force, and, with every circumstance of savage and indiscriminate cruelty, laid waste the lands belonging to the bishop, both in Fife and Angus; leading captive his vassals,

[1] Douglas's Peerage, vol. i. p. 376. History, supra, p. 84.

destroying his granges and villages with fire, and giving up to wide and indiscriminate havoc the only estates, perhaps, in the kingdom, which, under the quiet and enlightened rule of this prelate, had been reduced under a system of agricultural improvement. Kennedy, in deep indignation, instantly summoned the Earl of Crawford to repair the ravages which had been committed; and finding that the proud baron disdained to obey, proceeded, with that religious pomp and solemnity which was fitted to inspire awe and terror even in the savage bosoms of his adversaries, to excommunicate the earl and his adherents, suspending them from the services and the sacraments of religion, and denouncing, against all who harboured or supported them, the extremest curses of the Church.[1] It may give us some idea of the danger and the hopelessness of the task in which the Bishop of St Andrews now consented to labour—the reformation of the abuses of the government—when we remember that three of the principal parties engaged in these acts of spoliation were the lieutenant-general of the kingdom, the governor of the royal person, and one of the most confidential members of the king's privy council.[2]

Douglas, in his character of king's lieutenant, now assembled the vassals of the crown, and laid siege to Edinburgh castle, which Crichton, who had anticipated his movements, was prepared to hold out against him to the last extremity. The investment of the fortress, however, continued only for nine weeks; at the expiration of which period, the chancellor, who, since his coalition with the Bishop of St Andrews and the house of Angus, was discovered by his adversaries to have a stronger party than they were at first willing to believe, surrendered the castle to the king, and entered into a treaty with Livingston and Douglas, by which he was not only insured of indemnity, but restored to no inconsiderable portion of his former power and influence.[3] There can be little doubt that the reconciliation of this powerful statesman with the faction of Douglas was neither cordial nor sincere: it was the result of fear and interest, the two great motives which influence the conduct of such men in such times; but from the friendship and support of so pure a character as Kennedy, a presumption arises in favour of the integrity of the late chancellor, when compared with the selfish ambition and lawless conduct of his opponents.

In the midst of these miserable scenes of war and commotion, the queen-mother, who since her marriage with the Black Knight of Lorn had gradually fallen into neglect and obscurity, died at the castle of Dunbar. Her fate might have afforded to any moralist a fine lesson upon the instability of human grandeur. A daughter of the noble and talented house of Somerset, she was courted by James the First, during his captivity, with romantic ardour, in the shades of Windsor, and in the bloom of beauty became the queen of this great monarch. After fourteen years of happiness and glory, she was doomed herself to witness the dreadful assassination of her royal consort; and having narrowly escaped the ferocity which would have involved her in a similar calamity, she enjoyed, after the capture of her husband's murderers, a brief interval of vengeance and of power. Since that period, the tumult of feudal war and the struggles of aristocratic ambition closed thickly around her; and losing her influence with the guardianship of the youthful monarch, the solitary tie which invested her with distinction, she sunk at once into the wife of a private baron, by whom she appears to have been early neglected, and at last utterly

[1] Auchinleck Chronicle, p. 39. Robert Reoch, or Swarthy Robert, was the ancestor of the Robertsons of Strowan. He had apprehended the Earl of Athole, one of the murderers of James the First. He is sometimes styled Robert Duncanson. See Hist. supra, p. 92.

[2] MS. indenture in the possession of Mr Maule of Panmure, between the king's council, and daily about him, on one part, and Walter Ogilvy of Beaufort, on the other.

[3] Auchinleck Chronicle, p. 37.

forsaken. The latest events in her history are involved in an uncertainty which itself pronounces a melancholy commentary on the depth of the neglect into which she had fallen; and we find her dying in the castle of Dunbar, then in the possession of a noted freebooter and outlaw, Patrick Hepburn of Hailes. Whether this baron had violently seized the queen, or whether she had willingly sought a retreat in the fortress, does not appear; but the castle, soon after her death, was delivered up to the king by Hepburn, who, as a partisan of the house of Douglas, was pardoned his excesses, and restored to favour.[1] It was a melancholy consequence of the insecurity of persons and of property in those dark times, that a widow became the mark or the victim of every daring adventurer, and by repeated nuptials was compelled to defend herself against the immediate attacks of licentiousness and ambition.

Upon the death of their mother the queen, the two princesses, her daughters, Jane and Eleanor, were sent to the court of France, on a visit to their sister, the Dauphiness—anxious, in all probability, to escape from a country which was at that moment divided by contending factions, and where their exalted rank only exposed them to more certain danger. On their arrival in France, however, they found the court plunged in distress by the death of the Dauphiness, who seems to have become the victim of a conspiracy which, by circulating suspicions against her reputation, and estranging the affections of her husband, succeeded at last in bringing her to an early grave. There is strong evidence of her innocence in the deep sorrow for her death expressed by Charles the Seventh, and his anxiety that the Dauphin should espouse her sister Jane, a marriage for which he in vain solicited a Papal dispensation. Her husband, afterwards Lewis the Eleventh, was noted for his craft and his malignity; and there is little doubt that even before the slanderous attack upon her character by Jamet de Tillay, the neglect and cruelty of the Dauphin had nearly broken a heart of much susceptibility, enfeebled by an over-devotion to poetry and romance, and seeking a refuge from the scenes of domestic suffering in the pleasures of literary composition, and the patronage of men of genius.[2]

In the meantime, amid a constant series of petty feuds and tumults, which, originating in private ambition, are undeserving the notice of the historian, one, from the magnitude of the scale on which it was acted, as well as from the illustrations which it affords us of the manners of the times, requires a more particular recital. The religious house of Arbroath had appointed Alexander Lindsay, eldest son of the Earl of Crawford, their chief justiciar, a man of ferocious habits, and of great ambition, who, from the length and bushiness of his beard, was afterwards commonly known by the appellation of the "Tiger, or Earl Beardy." The prudent monks, however, soon discovered that the Tiger was too expensive a protector, and having deposed him from his office, they conferred it upon Ogilvy of Innerquharity, an unpardonable offence in the eyes of the Master of Crawford, who instantly

[1] Auchinleck Chronicle, p. 37. Douglas's Peerage, vol. i. p. 224.

Hepburn was ancestor of the Earl of Bothwell, husband of Mary Queen of Scots. Three manuscript letters of James the Second are preserved at Durham, amongst a collection of original papers belonging to the monastery of Coldingham. Raines' Hist. of North Durham, Appendix, p. 22. One of them, dated 28th April 1446, mentions the "maist tressonable takyn of our castell of Dunbar, bernyng her schippis, slaughtyr, pressonying, oppression of our peple, and destruction of our land, and mony other detestabill enormyties and offence done be Patrick of hepburn, sone till Adam hepburn of hales, Knycht."

[2] Berry, Hist. de Charles VII. Duclos III. 20. Paradin, Alliances Genealogiques des Rois et Princes de Gaule, p. 111. "Marguerite, fille de Jacques, Roy d'Escosse, premier de ce nom, fut premiere femme de ce Louis, lui estant encores dauphin, et décéda, n'ayant eu aucuns enfans, l'an 1445, à Chalons, en Champaigne, auquel lieu fut inhume son corps en la grand eglise la, ou demeura jusqu'au regne de Roy Louis, qui le feit lors apporter en l'Abbaie de Saint Laon de Thouars, en Poitou, ou il gît." See same work, p. 307.

collected an army of his vassals, for the double purpose of inflicting vengeance upon the intruder and repossessing himself of the dignity from which he had been ejected. There can be little doubt that the Ogilvies must have sunk under this threatened attack, but accident gave them a powerful ally in Sir Alexander Seton of Gordon, afterwards Earl of Huntly, who, as he returned from court, happened to lodge for the night at the castle of Ogilvy, at the moment when this baron was mustering his forces against the meditated assault of Crawford. Seton, although in no way personally interested in the quarrel, found himself, it is said, compelled to assist the Ogilvies, by a rude but ancient custom, which bound the guest to take common part with his host in all dangers which might occur so long as the food eaten under his roof remained in his stomach.[1] With the small train of attendants and friends who accompanied him, he joined the forces of Innerquharity, and proceeding to the town of Arbroath, found the opposite party drawn up in great strength on the outside of the gates. The families thus opposed in mortal defiance to each other could number amongst their adherents many of the bravest and most opulent gentlemen in the country; and the two armies exhibited an imposing appearance of armed knights, barbed horses, and embroidered banners. As the combatants, however, approached each other, the Earl of Crawford, who had received information of the intended combat, being anxious to avert it, suddenly appeared on the field, and galloping up between the two lines, was mortally wounded by a soldier, who was enraged at his interference, and ignorant of his rank. The event naturally increased the bitterness of hostility, and the Crawfords, who were assisted by a large party of the vassals of Douglas, infuriated at the loss of their chief, attacked the Ogilvies with a desperation which soon broke their ranks, and reduced them to irreclaimable disorder. Such, however, was the gallantry of their resistance that they were almost entirely cut to pieces; and five hundred men, including many noble barons in Forfar and Angus, were left dead upon the field.[2] Seton himself had nearly paid with his life the penalty of his adherence to the rude usage of the times; and John Forbes of Pitsligo, one of his followers, was slain; nor was the loss which the Ogilvies sustained in the field their worst misfortune: for Lindsay, with his characteristic ferocity, and protected by the authority of Douglas, let loose his army upon their estates; and the flames of their castles, the slaughter of their vassals, the plunder of their property, and the captivity of their wives and children, instructed the remotest adherents of the Justiciar of Arbroath how terrible was the vengeance which they had provoked. What must have been the state of the government, and how miserable the consequences of those feudal manners and customs, which have been admired by superficial inquirers, where the pacific attempt of a few monks to exercise their undoubted privilege in choosing their own protector, could involve a whole province in bloodshed, and kindle the flames of civil war in the heart of the country! It does honour to the administration of Kennedy that, although distracted by such domestic feuds, he found leisure to attend to the foreign commercial relations of the state, and that a violent dissension which had broken out betwixt the Scots and the Bremeners, who had seized a ship freighted from Edinburgh, and threatened further hostilities, was amicably adjusted by envoys despatched for the purpose to Flanders.[3]

The consequences of the death of the Earl of Crawford require particular attention. That ambitious noble had been one of the firmest allies of Douglas; and the lieutenant-general, well aware that superior power was

[1] Lesley, De Rebus Gestis Scotorum, p. 286. History of Scotland by the same author, p. 18.

[2] Auchinleck Chronicle, p. 38.

[3] See Illustrations. L.

the sole support of an authority which he had very grossly abused, immediately entered into a league with the new Earl of Crawford, and Alexander, earl of Ross and lord of the Isles, in whose mind the imprisonment and degrading penance inflicted upon him by James the First had awakened desires of revenge, the deeper only from their being long repressed. The alliance between these three nobles was on the face of it an act of treason, as it bore to be a league offensive and defensive against all men, not excepting the sovereign; and it was well known that Crawford, from his near connexion with the forfeited house of March, inherited a hatred of the royal family, which, increased by his native ferocity, had at last grown up into a determined resolution to destroy the race. The coalition seems to have acquired additional strength during the succeeding year by the accession of the Livingstons, so that, with the exception of Crichton and Kennedy, there was scarcely to be found a baron of consequence who was not compelled to support the governor in his attempt to sink the authority of the sovereign, and concentrate in his own person the undivided administration of the state.

Against his success in this treasonable project Douglas soon found that his most formidable opponent was the young king himself, who had reached the age of seventeen years, and although under the disadvantage of a confined education, began to evince a sagacity of judgment and a vigour of character which gave the fairest promise of excellence. Cautiously abstaining from offering any open disgust to the governor, he attached silently to his service the upright and able Kennedy, and the experienced Crichton, who appears about this time to have been raised to the dignity of a lord in parliament, and soon after reinstated in the important office of chancellor. Aware even at this early age of the intellectual superiority of the clergy, he exerted himself to secure the services of the most distinguished of this order; by friendly negotiations with England he secured the favourable dispositions of Henry the Sixth, and with the courts of France and of Rome he appears to have been on terms of the utmost confidence and amity. To ascribe the whole merit of these wise and politic measures to the young monarch would be absurd; but allowing that they originated with the party of Crichton and of Kennedy, with whom he had connected himself, the praise of the selection of such advisers and the confidence with which they were treated belongs to James.

This confidence was soon after evinced upon an important occasion, when the king granted a commission to the chancellor Crichton, his secretary, Railston, bishop of Dunkeld, and Nicholas de Otterburn, official of Lothian, to repair to France for the purpose of renewing the league which for many centuries had subsisted between the two countries, and with a commission to choose him a bride amongst the princesses of that royal court. The first part of their duty was soon after happily accomplished, but as the family of the King of France afforded at that moment no suitable match for their young sovereign, the Scottish ambassadors, by the advice of Charles the Seventh, proceeded to the court of the Duke of Gueldres, and made their proposals to Mary, the only daughter and heiress of this wealthy potentate, and nearly related to the French king. In the succeeding year accordingly the princess was solemnly affianced as the intended consort of the King of Scotland.[1]

In the midst of these measures James was careful to afford no open cause of suspicion or disgust to the faction of the Livingstons, or to the still more powerful party of the Douglases and Crawfords. His policy was to disunite them in the first instance, and afterwards to destroy them in detail; and in furtherance of this project he appears to have called home from the continent Sir James Stewart, the husband of his late mother, the queen-dowager, and Robert Fleming, the son

[1] MS. Traitez entre les Rois de France et les Rois d'Escosse. Advocates' Library, Edinburgh.

of Sir Malcolm Fleming, who by the command or with the connivance of the Livingstons had been executed in Edinburgh castle along with the Earl of Douglas and his brother. All this to a deep observer must have indicated a preparation for the fall of the Livingstons, but as the king was careful to retain them in his service, and to use their assistance in his negotiations, they appear to have been deceived into a false security, and to have neglected all means of defence and all opportunity of escape till it was too late. Douglas, however, was not so easily seduced, but suspecting the designs of the monarch, which were quietly maturing amid the peace and tranquillity with which he was surrounded, determined to divide his strength and defeat his purposes by involving him in a war with England. Nor was this a matter of much difficulty, as the truce which subsisted between the two countries was on the point of expiring, and the Borderers had already commenced their hostilities. Three parties at present divided England,—that of the good Duke of Gloucester, who seems to have been animated by a sincere love for his sovereign, Henry the Sixth, and an enlightened desire to promote the prosperity of the nation by the maintenance of pacific relations with Scotland; that of the queen and the Duke of Suffolk, the determined enemies of Gloucester, and solicitous only for the concentration of the whole power of the state into their own hands; and, lastly, that of Richard, duke of York, who, having already formed a design upon the crown, made it his chief business to widen the breach between the two factions of Gloucester and the queen, and to prepare the way for his own advancement by increasing the miseries which the nation suffered under the domination of the house of Lancaster. To this able and ambitious prince the decay of the English power in France and the resumption of hostilities upon the Borders were subjects rather of congratulation than of regret; and when both countries contained two powerful nobles, Douglas and the Duke of York, equally solicitous for war, it is only matter of surprise that hostilities should not have broken out at a more early period.

On their occurrence the aggression seems to have first proceeded from the English, who, under the command of the Earls of Northumberland and Salisbury, wardens of the east and west marches, broke violently, and in two divisions of great force, into Scotland, and left the towns of Dunbar and Dumfries in flames. This, according to the usual course of Border warfare, led to an immediate invasion of Cumberland by James Douglas of Balveny, brother of the Earl of Douglas, in which Alnwick was burnt and plundered, and the whole of that province cruelly wasted and depopulated, whilst, as a spirit of revenge and the passionate desire for retaliation spread over a wider surface, the whole armed population of the country flowed in at the call of the wardens, and a force of six thousand English, under the command of the younger Percy, along with Sir John Harrington and Sir John Pennington, crossed the Solway, and encamped upon the banks of the river Sark, where they were soon after defeated by the Scots, under the command of Hugh, earl of Ormond, another brother of the Earl of Douglas. Along with Ormond were Sir John Wallace of Craigie, the Sheriff of Ayr, the Laird of Johnston, and the Master of Somerville, who commanded a force considerably inferior to that which they encountered, being about four thousand strong. They succeeded, however, in dispersing the English, of whom fifteen hundred men were left dead upon the field, five hundred drowned in the Solway, and the leaders, Percy, Harrington, and Pennington taken prisoners, by whose ransom, as well as the plunder of the English camp, the Scottish leaders were much enriched.[1] The Scots lost only twenty-six soldiers, but Wallace

[1] Auchinleck Chronicle, p. 40. The version of this battle, which Pinkerton, in the silence of English and Scottish historians, has extracted from the French writers Chartier and Monstrelet, is fabulous.

of Craigie, a leader of great courage and experience, whose conduct had mainly contributed to the victory, soon after died of his wounds.

It would appear, however, that both countries were willing to consider this infringement of the peace rather as an insulated and accidental disturbance of the Borders than a fixed determination to renew the war. It led to no more serious hostilities, and whilst in England the loss of the French dominions, the rebellion of Ireland, and the intrigues of the Yorkists, spread dissatisfaction and alarm throughout the country, the King of Scotland, whose character seemed gradually to gain in intelligence and vigour, looked anxiously forward to the arrival of his intended consort, and summoned his parliament to meet at Stirling on the 4th of April 1449. Unfortunately, with a single and unimportant exception, no record of the transactions of this meeting of the estates has reached our times.[1] We know, however, that the practice of appointing a committee of parliament, composed of the representatives of the bishops, the barons, and the commissaries of the burghs, was continued, and it may be conjectured that their remaining deliberations principally regarded the approaching marriage of the king. Preparations for this joyful event now engrossed the court, and it was determined that the ceremony should be conducted with much magnificence and solemnity.

On the 18th of June, the fleet which bore the bride anchored in the Forth. It consisted of thirteen large vessels, and had on board a brilliant freight of French and Burgundian chivalry. The Archduke of Austria, the Duke of Brittany,[2] and the Lord of Campvere, all brothers-in-law to the King of Scotland, along with the Dukes of Savoy and of Burgundy, with a suite of knights and barons, accompanied the princess and her ladies, whilst a body-guard of three hundred men-at-arms, clothed, both man and horse, in complete steel, attended her from the shore to the palace of Holyrood, where she was received by her youthful consort.[3] The princess, a lady of great beauty, and, as it afterwards proved, of masculine talent and understanding, rode, according to the manners of the times, behind the Lord Campvere, encircled by the nobles of France, Burgundy, and Scotland, and welcomed by the acclamations of an immense concourse of spectators. The portion of the bride amounted to sixty thousand crowns, which was stipulated to be paid within two years by the maternal uncle of the princess, Philip the Good, duke of Burgundy, one of the wealthiest and most powerful princes in Europe, who now attended her to Scotland. James, on the other hand, settled upon the queen, in the event of his previous decease, a dowry of ten thousand crowns, which was secured upon lands in Strathern, Athole, Methven, and Linlithgow; and he bound himself, in the event of a male heir being born to the Duke of Gueldres, to renounce all claims to which his marriage with the princess might otherwise have entitled him. At the same period, in consideration of the amicable and advantageous commercial intercourse which from remote ages had been maintained between the Scottish merchants and the people of Brabant, Flanders, Holland, Zealand, and other territories, all of which were now subject to the Duke of Burgundy, a treaty of perpetual friendship and alliance was concluded between these united states and the kingdom of Scotland, in which their respective sovereigns engaged to compel all aggressors upon their mutual subjects, whether the attack and spoliation was conducted by land or sea, to make the amplest satisfaction and restitution to the injured par-

[1] Acts of the Parliament of Scotland, vol. ii. p. 60.

[2] Paradin, Alliances Genealogiques de Rois de France, p. 571. Francis the First, seventh Duke of Brittany, "fort bon et loyal François, et l'un des fléaux des Anglois, mesmes au recouvrement de Normandie." He died in 1450. He married Isabella, daughter of James the First, sister of James the Second of Scotland, sister to the Dauphiness of France. They had two daughters: Margaret, married to Francis, the tenth Duke of Brittany; and Mary, married to the Viscount of Rohan.

[3] Auchinleck Chronicle, p. 41.

ties.[1] From the moment of the arrival of the Princess of Gueldres till the solemnisation of her marriage and coronation, the time was occupied by feasting, masks, revelry, and tournaments; amongst which last amusements there occurred a noted combat at outrance, in which three Burgundian champions, famous amongst their contemporaries for an unrivalled skill in their weapons, challenged the bravest of the Scottish knights to an encounter with the lance, battle-axe, sword, and dagger. The challenge of the foreign knights, two of whom belonged to the ancient and noble family of Lalain, whilst the third was the Sieur de Meriadet, lord of Longueville, was accepted by James Douglas, brother of the earl, another baron of the same name, brother of Douglas of Lochleven, and Sir John Ross of Halket. The lists were erected at Stirling, where the combatants having entered, splendidly apparelled, first proceeded to arm themselves in their pavilions. They were then knighted by the king; and, at the sound of the trumpet, engaged in a desperate encounter, in which spears were soon shivered and cast aside to make way for the close combat. At length, one of the Douglases being felled to the ground by the stroke of a battle-axe, the monarch, anxious to avoid the further effusion of blood, or to stain his nuptial entertainment by the death of such brave knights, threw down his gauntlet, and terminated the contest.[2] It may give us some idea of the immense power possessed at this period by the Earl of Douglas when we mention that on this chivalrous occasion the military suite by which he was surrounded, and at the head of which he conducted the Scottish champions to the lists, consisted of a force amounting to five thousand men.

Soon after this, the royal marriage was solemnised in the Abbey of Holyrood, and the king, guided by the advice and experience of Crichton and Kennedy, resumed his designs for the vindication of his own authority, and the destruction of those unprincipled barons who had risen, during his minority, upon its ruins. Against Douglas, however, on account of his exorbitant power, it was as yet impossible to proceed, although an example of his insolent cruelty occurred about this time, in the murder of Colvil of Oxenham and a considerable body of his retainers,[3] which deeply incensed the young monarch. Dissembling his resentment till a more favourable opportunity, the king directed his whole strength against the faction of the Livingstons; and having received secret information of a great convocation which they were to hold at the bridge of Inchbelly, which passes over the Kelvin near Kirkintilloch, he was fortunate enough to surround them by the royal forces, and arrest the leading men of the family before they could adopt any measures either for resistance or escape. James Livingston, eldest son of the aged and noted Sir Alexander Livingston of Callander; Robyn of Callander, captain of Dumbarton; David Livingston of Greenyards; John Livingston, captain of Doune castle; Robert Livingston of Lithgow; and, not long after, Sir Alexander himself, were seized and thrown into prison, while such expedition was used that within forty days not only their whole property was put under arrest, but every officer who acted under their authority was expelled violently from his situation, and every castle or fortalice which was held by themselves or their vassals, seized and occupied by the sovereign.[4] The manner in which this bold and sweeping measure was carried into execution is involved in an obscurity very similar to that which in a former reign attended the arrest of the family and faction of Albany by James the First. In both instances the great outlines of the transaction alone remain, and all the minute but not less important causes which led to the weakening the resistance of the victims

[1] MS. Bib. Harl. 4637, vol. iii. p. 183.

[2] Auchinleck Chronicle, p. 40. De Coucy, p. 567. His memoirs are published at the end of the History of Jean Chartier.

[3] Auchinleck Chronicle, p. 41.

[4] Ibid. p. 42.

of royal vengeance, to the strengthening the hands of the executive, and to the surprise and discomfiture of a formidable faction, which had for twelve years controlled and set at defiance the utmost energies of the government, are lost in the silence of contemporary history and the destruction of original records. All that is certainly known seems to indicate an extraordinary increase in the resources, courage, and ability of the king, and a proportionable diminution in the strength, or a remarkable indifference and lukewarmness in the zeal, of the great families by whom he had been so long retained in a state of ignominious durance.

Immediately after this unexpected display of his power, which excited great astonishment in the country, the king despatched the Bishop of Brechin and the Abbot of Melrose, his treasurer and confessor, along with the Lords Montgomery and Grey, as his ambassadors, for the purpose of concluding a truce with England;[1] and a meeting having taken place with the commissioners of the English monarch in the cathedral church at Durham, on the 25th of November, a cessation of hostilities for an indefinite period was agreed on, in which the most ample provisions were included for the encouragement of the commerce of both kingdoms, and which, upon six months' previous warning being given, might be lawfully infringed by the English or the Scottish monarch. A confirmation of the treaty with France, and a ratification of the league with the Duke of Brittany, immediately succeeded to the negotiations in England;[2] and James having thus wisely secured himself against any disturbance from abroad, summoned his parliament to meet at Edinburgh on the 19th of January, and proceeded with a determined purpose and exemplary severity to enforce the judgment of the law against the manifold offences of the house of Livingston.

Their principal crime, in itself an act of open treason, had been the violent attack upon the queen, and the imprisonment of her person on the 3d of August 1439; and with a manifest reference to this subject it was declared, "That if any man should assist, counsel, or maintain those that are arraigned by the sovereign in the present parliament on account of crimes committed against the king or his late dearest mother, they should be liable to the punishment inflicted on the principal offenders." Sir Alexander Livingston of Callander, the head of the family, and now an aged man, James Dundas of Dundas, his cousin-german, and Robert Bruce, brother to Bruce of Clackmannan, were forfeited and imprisoned in Dumbarton castle. The vengeance of the law next fell upon Alexander Livingston, a younger son of the Lord of Callander, along with Robert Livingston, comptroller, who were hanged and afterwards beheaded on the Castle Hill at Edinburgh, upon which Archibald Dundas, whose brother had been shut up in Dumbarton, threw himself into the castle of Dundas, which was at that time strongly garrisoned and full of provisions, declaring that he would die upon the walls, or extort from the king a free pardon to himself and his adherents. Why the father, the eldest son, James, and James Dundas, who were all of them personally engaged in the atrocious attack on the queen,[3] were permitted to escape with imprisonment, whilst a mortal punishment was reserved for apparently inferior delinquents, it is difficult to discover.[4]

Another obscurity occurs in the

[1] Rymer, vol. xi. p. 242.

[2] Mag. Sig. iv. fol. 1.

[3] Mag. Sig. iv. 4. Charter by James II. to Alexander Naper, "Compotorum suorum Rotulatori, pro suo fideli servicio quondam carissimo Matri Regine impenso et in remuneracionem et recompensationem lesionis sui corporis, ac gravaminum et dampnorum sibi illatorum tempore proditoriæ tradicionis et incarcerationis dicte Reginæ, per Alex. de Levingston, militem, et Jac. de Levingston, filium suum, ac suos complices, nequiter perpetrati." See also a royal charter to the Earl of Douglas of half of the lands of Dundas, and Echling of Dumany and Queensferry, forfeited by James of Dundas—"propter proditoriam tradicionem in personam regiam per eundem Jac. commissam."

[4] Pinkerton, vol. i. p. 203, misled by Boece and Lindsay, has committed an error in placing the destruction of the Livingstons in 144[illegible], and ascribing it to the Earl of Douglas.

passive manner in which the Earl of Douglas appears to have regarded the downfall of those with whom he had been long connected by the strictest ties of mutual support and successful ambition. There can be little doubt that the king, who had now surrounded himself by some of the ablest men in the country, whom he chiefly selected from the ranks of the clergy, was well aware of the treasonable league between Douglas, Ross, and Crawford, and already meditated the destruction of this haughty potentate, whose power was incompatible with the security of the government; and it is extraordinary that the example of the sudden destruction of his companions in intrigue and insubordination should not have alarmed the earl for his own safety. The most probable account seems to be that, aware of the increasing strength of the party of the sovereign, he found it expedient to act as an ally rather than an enemy, and in good time to desert, and even to share in the spoils of those whom he considered it desperate to defend. It is certain, at least, that immediately subsequent to the forfeiture of the Livingstons Douglas repeatedly experienced the favour and generosity of the sovereign. When Dundas castle, after a resolute defence of three months, surrendered to the royal army, the wealth of the garrison, the cannon, provisions, and military stores were divided between the king, the Earl of Douglas, and Sir William and Sir George Crichton. On the forfeiture of Dundas's lands, a great part of his estate was settled on Douglas; his lordship of Galloway was erected into a special regality, with the power of holding justice and chamberlain ayres, to be held blanch of the sovereign; he obtained also the lands of Blairmaks in Lanarkshire, forfeited by James of Dundas, and of Coulter and Ogleface, which had been the property of the Livingstons.[1]

In the same parliament which inflicted so signal a vengeance upon this powerful family, the condition of the country, and the remedy of those abuses which had grown up during the minority of the monarch, engaged the attention of the legislature; and to some of the resolutions which were passed, as they throw a strong light on the times, it will be necessary to direct our attention. After the usual declaration of the intention of the sovereign to maintain the freedom of "Haly Kirk," and to employ the arm of the civil power to carry the ecclesiastical sentence into execution against any persons who had fallen under the censures of the Church, the parliament provided that general peace should be proclaimed and maintained throughout the realm, and that all persons were to be permitted to travel in security for mercantile or other purposes, in every part of the country, without the necessity of "having assurance one of the other." The "king's peace," it was observed, was henceforth to be "sufficient surety to every man," as the sovereign was resolved to employ such officers alone as could well punish all disturbers of the public peace. In the event of any person being, notwithstanding this enactment, in mortal fear of another, a daily and hourly occurrence in these times of feudal riot and disorder, he was commanded to go to the sheriff, or nearest magistrate, and swear that he dreads him; after which the officer was to take pledges for the keeping of the peace, according to the ancient statutes upon this subject. Those who filled the office of judges were to be just men, who understood the law, and whose character should be a warrant for an equal administration of justice to the small as well as to the great. It was appointed that the justice should make his progress through the country twice in the year, according to the old law.[2]

The attention of the parliament appears to have been next directed to that grave subject, of which the recent history of the country had afforded so many illustrations, rebellion against the king's person and authority, upon which it was first provided that the crime should be punished according to the judgment of the three estates, who

[1] Mag. Sig. iv. No. 109, 110. Ibid. No. 59.

[2] Acts of the Parliament of Scotland, vol. ii. p. 35.

were to take into consideration "the quality and the quantity of the rebellion." In the next place, when any man openly and "*notourly*" raised rebellion against the sovereign, or made war upon the lieges, or gave encouragement or protection to those guilty of such offences, the parliament declared it to be the duty of the sovereign, with assistance of the whole strength of the country, to proceed in person against the offender, and inflict upon him speedy punishment; whilst all persons who in any way afforded countenance to those convicted of rebellion were to be punished with the same severity as the principal delinquents.

The next enactment of this parliament constituted an important era in the history of the liberty of the subject; and I think it best to give it in its ancient simplicity:—"It is declared to be ordained for the safety and favour of the *poor people who labour the ground*, that they, and all others who have taken or shall take lands in any time to come from lords, according to a lease which is to run for a certain term of years, shall remain on the lands protected by their lease till the expiry of the same, paying all along the same yearly rent, and this notwithstanding the lands should pass by sale, or by alienation, into different hands from those by whom they were first given in lease to the tenant." Under the reign of James the First, we have already pointed out the request made by that monarch to the great feudal lords, that they would not summarily remove their tenantry from their lands possessed on lease: this was clearly the earliest step towards the attainment of the important privilege contained in the above statute; a wise and memorable act in its future consequences on the security of property, the liberty of the great body of the people, and the improvement of the country.[1]

For the prevention of those invasions of property, which were at this period so frequent throughout the country, the sheriff was peremptorily enjoined to make immediate inquiry, and compel the offenders to instant restoration; an act easily engrossed in the statute-book, but almost impossible to be carried into execution, so long as the sheriff himself was under the fear and authority of one or other of the great feudal lords, or might perhaps be himself a principal offender. We find it accordingly provided that these officers, along with the justices, chamberlains, coroners, and other magistrates, shall be prevented from collecting around them, in their progresses through the country, those numerous trains of attendants, which grievously oppressed the people, and that they should content themselves with that moderate number of followers appointed by the ancient laws upon this subject.

The statute which immediately followed, from the strength and simplicity of its language, gives us a singular and primitive picture of the times. It related to that description of persons who, disdaining all regular labour, have ever been, in the eyes of the civil magistrate, a perverse and hateful generation, "sornars, outlyars, masterful beggars, fools, bards, and runners about." For the putting away of all such vexatious and rude persons, who travelled through the country with their horses, hounds, and other property, all sheriffs, barons, aldermen, and bailies, either without or within burgh, were directed to make inquiry into this matter at every court which they held; and in the event of any such individuals being discovered, their horses, hounds, and other property were to be immediately confiscated to the crown, and they themselves put in prison till such time as the king "had his will of them." And it was also commanded by the parliament that the same officers, when they held their courts, should make inquiry whether there be any persons that followed the profession of "Fools," or such like runners about who did not belong to the class of bards; and such being discovered, they were to be put in prison or in irons for such trespass as long as

[1] Acts of the Parliament of Scotland, vol. ii. pp. 35, 36.

they had any goods or substance of their own to live upon. If they had nothing to live upon, it was directed that "their ears be nailed to the tron, or to any other tree, and then cut off, and they themselves banished the country, to which if they returned again they were upon their first apprehension to be hanged."[1]

For the examination of the acts of parliament and of general councils, which had been assembled in the time of the present king and of his late father, the three estates appointed a committee of twelve persons, four chosen from the bishops, four from the lords, and four from the commissaries of burghs. To this body was committed the task of selecting all such acts as they esteemed wise, and calculated to promote the present advantage of the realm, which were to be revised and presented for approval at the next parliament to be assembled at Perth. For the prevention of that grievous calamity, a dearth of provisions in the land, the sheriffs, bailies, and all other officers, both without and within the burghs, were strictly enjoined to discover, arrest, and punish all such persons within their own jurisdiction who were in the practice of buying victual or corn, and hoarding it up till the occurrence of a dearth, whilst the provisions which they had thus hoarded were directed to be escheated to the king. In addition to these enactments, whilst free permission was granted to all the subjects of the realm to buy and sell victual at their pleasure, either on the north half or south half of the Firth of Forth, yet the keeping old stacks of corn in the farm-yard later than Christmas was strictly prohibited, and it was enjoined in equally positive terms that neither burgesses nor other persons who bought victual for the purpose of selling again should be allowed to lay up a great store of corn, and keep it out of the market till the ripening of the next harvest; but that at this late season of the year they were only to have so much grain in their possession as was requisite for the support of themselves and their families.[2]

The succeeding statute, upon the punishment of treason, was directed against the repetition of the practices of Livingston, Douglas, and Crichton, which disgraced the minority of this sovereign. It provided that in the event of any person committing treason against the king's majesty by rising against him in open war, or laying violent hands upon his person—by giving countenance to those convicted of treason—supplying with military stores and armed men the castles of convicted traitors—holding out such castles against the king's forces, or assailing any fortress in which the king's person might happen to be at the time—he should be immediately arrested and openly punished as a traitor. When those who had been guilty of theft or robbery were men of such power and authority that the justiciar was not in safety to hold his court, or to put down by the arm of the law such "great and masterful theft," he was instantly to communicate with the king, who, with the assistance of his privy council, should provide a remedy; and, in order that such bold and daring offenders be not placed upon their guard as to the legal processes in preparation against them, the justice-clerk was commanded not to reveal his action to any person whatever, or alter it in any way from the form in which it was given him, except for the king's advantage, or change any names, or put out any of the rolls without orders from the king or his council, and this under the penalty of the loss of his office and estate, at the will of the sovereign.[3] How lamentable a picture does it present of the condition of the country when such expressions could be employed; where an acknowledged infringement of the law was permitted, "if it be for the king's advantage;" and in which the right of the subject to be informed of the offence of which he was accused, previous to his trial,

[1] Acts of the Parliament of Scotland, vol. ii. p. 36.

[2] Acts of the Parliament of Scotland, vol. ii. p. 36.

[3] Ibid. vol. ii. p. 37.

appears to be thus unceremoniously sacrificed!

Upon the important subject of the money of the realm, reference was made, in this parliament, to a former act, now unfortunately lost, by which twenty-four persons were chosen from the three estates to appoint proper regulations as to the importation of bullion by the merchants, the new coinage and its issue, and the circulation of the money then current. Strict search was directed to be made at all seaports, and upon the Borders and marches, for the apprehension of those carrying money out of the kingdom; and all false strikers of gold and silver, all forgers of false groats and pennies, were to be seized wherever found, and brought to the king, to be punished as the law directed. In the same parliament, the monarch, with that affectionate respect for the clergy which could not fail to be experienced by a prince who had successfully employed their support and advice to escape from the tyranny of his nobles, granted to them some important privileges. In a charter dated on the 24th January 1449, he declared that, "for the salvation of his own soul, and that of Queen Mary his consort, with consent of his three estates, and in terms of a schedule then presented to him, he conferred upon all bishops of cathedral churches in Scotland the privilege of making their testaments, of levying the fruits of vacant sees, and converting them to their use, the vicars-general of the cathedrals rendering a true account of the same.[1]

At the time the king held this parliament, he appears to have entertained the most amicable disposition towards England, wisely considering that it would require a long interval of peace to reform the condition of his own kingdom, and to rectify the abuses to which he was now beginning to direct his undivided attention. He was well aware that the English government, entirely occupied in a vain effort to retain the provinces which had been conquered in France, and weakened by the selfish administration of the queen and her favourite, Suffolk, could have little disposition to engage in a war with Scotland; and he considered the protest of that government, upon the old and exploded claim of homage, as a piece of diplomatic etiquette which it would be absurd to make a serious ground of offence. He accordingly despatched John Methven, a doctor of decretals, as his ambassador to the court of England: he appointed the Bishops of Dunkeld and Brechin, with the Earls of Douglas, Angus, and Crawford, to meet the commissioners of Henry the Sixth, for the regulation of the truces and settlement of the marches: whilst he encouraged, by every method in his power, the friendly intercourse between the two countries.[2]

At the same time, without absolutely attempting to deprive the Earl of Douglas of his high office of lieutenant-general of the kingdom, a measure which must have excited extreme commotion, he silently withdrew from him his countenance and employment, surrounding himself by the most energetic counsellors, whom he promoted to the chief offices in the state, rewarding the chancellor Crichton "for his faithful services rendered to the king's father, and to the king himself;" and weakening the power of the earl and his party, rather by the formidable counterpoise which he raised against it, than by any act of determined hostility.[3] The consequences of this line of policy were highly favourable to the king. The power and unjust usurpation of Douglas over the measures of government decreased almost imperceptibly, yet by sure degrees, as the character of the sovereign increased in firmness, and the authority of the ministers by whom he managed the government became more steadily exerted; the terror with which the people had regarded the tyrannic sway of this imperious noble began to be dispelled; and the despot himself, aware that his dominion was on the wane, and conscious that any open insurrection would be premature, determined to leave the country for a season, and repair to

[1] Mag. Sig. iv. 5. Jan. 24, 1449.

[2] Rotuli Scotiæ, vol. ii. p. 342.

[3] Mag. Sig. iv. 84. June 12, 1450.

Rome on a visit to the Pope, making some stay, in his way thither, at the courts of England and France. His train consisted of six knights, with their own suites and attendants, and fourteen gentlemen of the best families in the country, with their servants, accompanied by a body of eighty horse, or men-at-arms.[1]

Although the only motives assigned for this expedition were those arising out of religion and the love of travel, it seems by no means improbable that Douglas had other objects in view. In right of his wife, he possessed a claim to the wealthy duchy of Touraine; which, although then a male fief, might be altered to heirs-general by the King of France at the request of so potent a baron. In England, also, he could not possibly be ignorant of the intrigues of the Yorkists against the government of Henry the Sixth; and he may have had hopes of strengthening his own power, or diminishing that of his sovereign, by an alliance with a faction whose views were expressly opposed to the pacific policy of the present government of Scotland. In addition to this, although absent in person, and with the apparent intention of remaining some years abroad, he left powerful friends at home, whose motions he directed, and by whose assistance he entertained the hope of once more possessing himself of the supreme power in the state. Upon James Douglas, his brother, Lord of Balveny, he conferred the office of procurator or administrator of his estates during his absence; and there seems a strong presumption that he secretly renewed that treasonable correspondence with the Earls of Ross and Crawford which has been already mentioned as embracing an offensive and defensive alliance against all men, not excepting the person of the sovereign.

In the meantime, he and his numerous suite set sail for Flanders, from which they proceeded to Paris. He was here joined by his brother, James Douglas, at this time a scholar at the university, and intending to enter the Church, but afterwards Earl of Douglas.[2] From the court of France, where he was received with distinction, Douglas proceeded to that of the Supreme Pontiff, during the brilliant season of the jubilee, where his visit appears to have astonished the polite and learned Italians, as much by its foreign novelty as by its barbaric pomp. His return, however, was hastened by disturbances at home, arising out of the insolence and tyranny of his brother, Douglas of Balveny, to whom he had delegated his authority, and against the abuses of whose government such perpetual complaints were carried to the king, that, according to the provisions of the late act of parliament upon the subject, he found it necessary to conduct in person an armed expedition into the lands of the delinquent. The object of this enterprise was to expel from their strongholds that congregation of powerful barons who were retained in the service of this feudal prince, and, under the terror of his name, invaded the property of the people, and defied the control of the laws. James, however, did not betake himself to this measure until he had in vain attempted to appease the disturbances, and inflict punishment upon the offenders by the arm of the civil power; but having been driven to this last necessity, he made himself master of Lochmaben castle, exterminated from their feudal nests the armed retainers, who were compelled to restore their plunder, and razed to the ground this ancient strength, which had long been the centre of insubordination. He then returned to court, and, under the idea that they had suffered a sufficient imprisonment, restored to liberty Sir Alexander Livingston and Dundas of Dundas, who had been confined in Dumbarton castle since the memorable forfeiture of the Livingstons in the preceding year. Dundas appears immediately to have repaired to Rome,[3] with the design, in all probability, of secretly communicating with Douglas, whilst that for-

[1] Rotuli Scotiæ, vol. ii. p. 343.

[2] Buchanan, book xi. chap. xxxii. Lesley, p. 22.

[3] Rotuli Scotiæ, vol. ii. p. 344.

midable potentate, dreading the full concentration of the regal vengeance, which had already partially burst upon him, set out forthwith on his return to Scotland.

In the meantime, his friends and confederates were not idle at home. In 1445, a secret league, as we have already seen, had been entered into between Douglas and the Earls of Ross and Crawford, and the confederacy now resorted to hostile measures. Ross, who died in 1449, had transmitted to his eldest son, John, his treason along with his title; and the new earl, who was connected by marriage with the Livingstons, broke out into rebellion, and seized the royal castles of Inverness, Urquhart, and Ruthven in Badenoch. This last place he immediately demolished; Urquhart was committed to Sir James Livingston, who, on the first news of Ross's rebellion, had escaped from the king's court to the Highlands; whilst Inverness castle was supplied with military stores, and strongly garrisoned.[1] Although a rebellion which threatened to involve the whole of the northern part of Scotland in war and tumult must have been known, and was probably instigated by Douglas, it appears that the king, from his ignorance of the earl's confederacy with Ross and Crawford, did not suspect his connivance. Douglas's absence from Scotland, and the secrecy with which the treasonable correspondence had been conducted, for a while blinded the eyes of the monarch; and on his return from Rome, having expressed his indignation at the excesses committed by his vassals during his absence, and his resolution to employ his power on the side of the laws, he was again received into favour, and appointed, along with the Bishops of Dunkeld and Brechin, and the Earls of Angus and Crawford, a commissioner to treat of the prolongation of the truce with England.[2]

The earl, however, shewed himself little worthy of this renewed confidence upon the part of the king. He put his seal, indeed, into the hands of the other commissioners for the purpose of giving a sanction to the articles of truce, but he remained himself in Scotland; and although the evidence is not of that direct nature which makes his guilt unquestionable, there seems a strong presumption that, in concert with the Earls of Ross and Crawford, supported by the faction of the Livingstons and Hamiltons, and in conjunction with the party of the Yorkists in England, he entered into a conspiracy against his sovereign. It is well known that at this moment the Duke of York, father to Edward the Fourth, was busy in exciting a spirit of dissension in England, and anxious to adopt every means to weaken the power of Henry the Sixth. Douglas accordingly despatched his brother, Sir James, who repaired to London, and continued there for a considerable time, caressed by the faction which was inimical to the existing government; whilst the earl soon after obtained a protection for himself, his three brothers, twenty-six gentlemen, and sixty-seven attendants, who proposed to visit the court of England, and proceed afterwards to the continent.[3] It is worthy of observation that the persons whose names are included in these letters of safe-conduct are the same who afterwards joined the house of Douglas in their open revolt; and there seems to be no doubt, from this circumstance, that although the conspiracy did not now burst forth in its full strength, it was rapidly gaining ground, and advancing to maturity.

It was impossible, however, to conduct their treasonable designs upon so great a scale without exposing themselves to the risk of detection; and some suspicions having been excited at this moment, or some secret information transmitted to the king, enough of the intrigue was discovered to justify parliament in depriving the Earl of Douglas of his office of lieutenant-general of the kingdom.[4] It will be recollected that the sovereign was now

1 Auchinleck Chronicle, p. 44.

2 Rymer, vol. xi. p. 283. Rotuli Scotiæ, vol. ii. 346.

3 Rymer, vol. xi. p. 284.

4 Boece, book xviii. p. 372.

in his twenty-first year; that by attaching to his service the most enlightened of his clergy, and making use of the energetic talents of Crichton, his chancellor, he had already left nothing to Douglas but the name of his great office; and although his suspicion of the treasonable designs of the earl must have accelerated this last step, yet his deprivation appears to have been carried into execution without any open rupture. Indeed, James seems to have been anxious that the blow should not fall too heavily; and with this object the formidable noble was invested almost immediately after with the office of Warden of the west and middle marches of Scotland. At the same time, an entail was executed, by which the earldoms of Douglas and Wigtown were settled upon him and his descendants.[1]

It was at this crisis of the struggle between the legitimate prerogative of the Scottish sovereign and his ministers and the overgrown authority of the house of Douglas that the Duke of York and his party in England availed themselves of the popular discontents, occasioned by the loss of the French provinces, to dispossess the Duke of Somerset and the queen from the chief management of the state, and to acquire the principal control over the government. In consequence of this revolution, a decided change is apparent in the conduct of England towards the sister country, from the principles of a wise and pacific policy to those of an unsettled, ambitious, and sometimes decidedly hostile character. The first appearance of this is discernible in the negotiations regarding the truce which took place at Durham on the 4th of August 1451, where the amicable correspondence between the two countries was interrupted by a protest regarding the idle and antiquated claim of homage. Fortunately, however, this did not prevent the treaty of truce from being brought to a conclusion.[2]

In the meantime, Douglas returned to his principality in Annandale, and in the exercise of his authority of warden commenced anew that series of tyrannical measures which had already brought upon him the indignation of the government. Herries of Terregles, a gentleman of ancient family, having attempted to defend himself by arms from the violence of his partisans, and to recover from them the property of which he had been plundered, was taken prisoner, and dragged before the earl, who, in contempt of an express mandate of the king, solemnly delivered by a herald, ordered him to be instantly hanged. Soon after this, another audacious transaction occurred, in the murder of Sir John Sandilands of Calder, a kinsman of James, by Sir Patrick Thornton, a dependant of the house of Douglas, along with whom were slain two knights, Sir James and Sir Allan Stewart, both of whom enjoyed the regard and intimacy of the sovereign.[3]

It appears to have been about this time that, either from the circumstance of its having been more openly renewed or less carefully concealed, the treasonable league between Douglas and the Earls of Ross and Crawford was discovered by James, who justly trembled at the formidable and extensive power which he found arrayed against the government. On the side of England, however, he was secure, owing to the recent renewal of the truce; upon the friendship of France he could calculate with equal certainty; but as it was impossible at once to destroy a conspiracy which was backed by a force equal to almost one-half of the armed population of Scotland, the king was compelled to temporise, and await a season when his own power should be more confirmed, and that of Douglas weakened, by the jealousies and dissensions which, after some time, might be expected to break out in a confederacy, embracing so many men of fierce, capricious, and selfish habits. Douglas, however, who had already irritated and insulted the monarch, by the

[1] Mag. Sig. iv. 222. July 7, 1451.
[2] Rymer, vol. xi. pp. 291, 302.
[3] Auchinleck Chronicle, p. 45. Sir J. Balfour's Annals, vol. i. p. 180.

murder of Herries and Sandilands, seemed determined not to imitate the calmness and moderation of the government; and, whilst the king's chief minister, the chancellor Crichton, was proceeding with his retinue through the southern suburb of Edinburgh, with the intention of embarking on board a vessel in the Forth, the party was suddenly attacked by an armed band of ruffians hired for the purpose by the earl. Contrary, indeed, to the hopes of this lawless baron, the old chancellor defended himself with much bravery; and, after being wounded, escaped to Crichton castle, where, with a spirit which forgot the sense of pain in the desire of revenge, he instantly collected his vassals, and making an unexpected attack upon Douglas, expelled him and his adherents from the city.[1]

It affords a melancholy picture of the times that this outrageous attack, committed upon the person of the chancellor and chief minister in the kingdom, was suffered to pass unpunished and even unnoticed by the law, and that he who had openly defied the royal authority, and trampled upon the regulations so recently passed in the parliament, was not long after employed in some political negotiations with England, in which there seems strong reason to believe he acted a part inimical to the existing government. The explanation of this must be looked for in the fact that, although partially aware of his treason, and determined to leave nothing unattempted to undermine and destroy his power, James was conscious that Douglas was still too strong for him, and dreaded to drive him into a rebellion which might have threatened the security of his throne. It was easy for him, on the other hand, silently to defeat his treachery by conjoining with him in the diplomatic or judicial situations in which he was employed those tried councillors upon whom he could implicitly rely; and, in the meantime, he employed the interval in concentrating that power by means of which he trusted to overwhelm him. An extraordinary outrage of the earl, however, accelerated the royal vengeance.

In the execution of the negotiation intrusted to him, Douglas had continued his correspondence with the party of the Yorkists in England, who still possessed a great influence in the state, although sometimes overruled by the opposite faction of Somerset and the queen. It seems to have been in consequence of such malign influence that a letter was directed at this time by Henry the Sixth to the Scottish government, refusing to deliver up certain French ambassadors, who, on their voyage to Scotland, had been captured by the English;[2] and this step, which almost amounted to a declaration of hostility, was intended to be followed by a rising in Scotland, to be conducted by Douglas. On his return, therefore, to that country, the earl repaired to his estates; and, in furtherance of his league with the Earls of Ross and Crawford, summoned the whole body of his vassals to assemble their armed retainers, and join in the treasonable association. One of these, however, a gentleman of spirit and independence, named Maclellan, tutor of Bomby, a sister's son to Sir Patrick Gray, captain of the king's guard, refused to obey an order which he rightly stigmatised as an act of open rebellion, and was in consequence seized by the earl and cast into prison. The speedy and mortal punishment with which Douglas was accustomed to visit such offences rendered the arrest of Maclellan a subject of immediate alarm at court; and as he was beloved by the young king, and the near kinsman of one of his confidential servants, James despatched an order, under the royal seal, commanding the immediate release of the prisoner; which, to prevent all mistake, he sent by the hands of Sir Patrick Gray. This baron accordingly rode post to Douglas castle, and was received by its haughty lord with affected courtesy and humility. Well aware, however, of Gray's near relationship to his prisoner, he at once

[1] Hawthornden, Hist. folio ed. p. 28.

[2] Rymer, Fœdera, xi. p. 306.

suspected the object of his errand; and, being determined to defeat it, gave private orders for the instant execution of Maclellan. He then returned to Gray, and requested him to remain and share his hospitality. "You found me," said he, "just about to sit down to dinner; if it pleases you, we shall first conclude our repast, and then peruse the letter with which I am honoured by my sovereign." Having concluded the meal, Douglas rose from the table, broke the royal seal, and glancing over the contents of the paper, assumed a look of much concern. "Sorry am I," said he, "that it is not in my power to give obedience to the commands of my dread sovereign, much as I am beholden to him for so gracious a letter to one whom he has been pleased of late to regard with somewhat altered favour; but such redress as I can afford thou shalt have speedily." Douglas then took Gray by the hand, and led him to the castle green, where the bleeding trunk of his poor friend lay beside the block upon which he had been recently beheaded. "Yonder, Sir Patrick," said he, "lies your sister's son—unfortunately he wants the head—but you are welcome to do with his body what you please." It may well be imagined how deep was the impression made by this cold and savage jest upon the mind of Gray; but he was in the den of the tyrant, and a single incautious word might have stretched him beside his murdered kinsman. Dissembling therefore his grief and indignation, he only replied that, since he had taken the head, the body was of little avail; and calling for his horse, mounted him, with a heavy heart, and rode across the drawbridge, to which the earl accompanied him. Once more, however, without the walls, and secure of his life, he reined up, and shaking his mailed glove, defied Douglas as a coward, and a disgrace to knighthood, whom, if he lived, he would requite according to his merits, and lay as low as the poor gentleman he had destroyed. Yet even this ebullition of natural indignation had nearly cost him dear: for the earl, braved in his own castle, gave orders for an instant pursuit, and the chase was continued almost to Edinburgh, Gray only escaping by the uncommon fleetness of his horse.[1]

An action like this was fitted to rouse to the highest pitch the indignation of the sovereign, and the reprehension of every lover of freedom and good order. It manifested an utter contempt for the royal authority, a defiance of the laws, and a cruel exultation in the exercise of power. It had occurred, too, at a moment when an attempt had been made by the statutes lately passed in parliament to put down the insolence of aristocratic tyranny, and was of the most dangerous example. It was evident to the sovereign that some instantaneous step must be taken to reduce an overgrown power which threatened to plunge the country into civil war, and that the time was come when it was to be shewn whether he or the Earl of Douglas should henceforth rule in Scotland. But James, who had become aware of the league with Ross and Crawford, and of the overwhelming force which Douglas was ready to bring into the field, wisely hesitated before he adopted that course to which his determined temper inclined him; with the advice of Crichton and his most prudent counsellors, he determined rather to enter into a personal negotiation with Douglas, and to attempt to convince him of the folly of his ambition, in defying the authority of the crown, and affecting the state and jurisdiction of an independent prince. He had hopes that, in this manner, he might prevail upon the earl to plead guilty to the offences which he had committed; to accept the pardon which was ready to be tendered to him, upon his indemnifying the relations of those he had so cruelly injured; and to take that upright share in the government to which he was entitled by his high rank, his great estates, and his important official situation.

In furtherance of this design, and

[1] Pitscottie, pp. 62-64.

suppressing his indignation at his late conduct, by considerations of political expediency, James despatched Sir William Lauder of Hatton, who had attended Douglas in his pilgrimage to Rome, with a message to him, expressive of the desire of the king to enter into a personal conference, promising absolute security for his person, and declaring that, upon an expression of regret for his misdemeanours, the offended majesty of the law might be appeased, and the pardon of the sovereign extended in his favour. It is impossible, in the imperfect historical evidence which remains of these dark and mysterious transactions, to discover whether this conduct and these promises of the king were perfectly sincere or otherwise.

It is asserted in a contemporary chronicle that the nobles who were then about the person of the monarch, meaning the privy councillors and officers of his household, put their names and seals to a letter of safe-conduct, which bore the royal signature, and to which the privy seal was attached.[1] It is added by the same writer that many of the nobles had transmitted a written obligation to the earl, by which they bound themselves, even if the king should shew an inclination to break his promise, that they, to the utmost of their power, would compel him to observe it; and there seems no reason to doubt the accuracy of this account.[2] But, in the lax morality of the times, the most solemn obligations were often little regarded; and there were many crafty casuists around the king ready to persuade him that, with a traitor, who, by repeated acts of rebellion, had thrown himself without the pale of the laws, no faith ought to be kept; that, to seize such an offender, every method was fair, and even fraud praiseworthy; and that, having once obtained possession of his person, it would be illegal to release him till he had been declared innocent of the crimes of which he was accused by the verdict of a jury. That this was probably the full extent to which James had carried his intentions in entrapping Douglas is to be inferred from the circumstances in which he was placed, and the partial light of contemporary records. That he meditated the dreadful and unjustifiable vengeance in which the interview concluded, cannot be supposed by any one who considers for a moment the character of the king, the statesmen by whose advice he was directed, or the dangerous crisis at which the meeting took place.

But to whatever extent the sovereign had carried his design, Douglas, believing himself secure under the royal protection and the oaths of the nobility, came with a small retinue to Stirling in company with Sir William Lauder of Hatton;[3] and having first taken up his residence in the town, soon after passed to the castle, where he was received by the king with much apparent cordiality, and invited to return on the morrow to dine at the royal table. He accordingly obeyed; and on the following day not only dined, but supped with the king; whilst nothing appeared to have disturbed in the slightest degree the harmony of their intercourse. After supper, however, which we learn from the contemporary chronicle was at seven in the evening, the monarch, apparently anxious to have some private conversation with the earl, took him aside from the crowd of courtiers by whom they were surrounded into an inner chamber, where there were none present but the captain of his body-guard, Sir Patrick Gray, whom he had lately so cruelly injured, Sir William Crichton, Lord Gray, Sir Simon Glendonane, and a few more of his most intimate counsellors.[4] James, then walking apart with Douglas, with as much calmness and command of temper as he could assume, began to remonstrate upon his late violent and illegal proceedings. In doing so, it was impossible he should not speak of the execution of Herries, the waylaying of Sandilands, and the late atrocious murder of the tutor of

[1] Auchinleck Chronicle, p. 46.
[2] MS. Chronicle in the Library of the University of Edinburgh, A.C. 4. 26.
[3] Auchinleck Chronicle, p. 46.
[4] Ibid. p. 47.

Bomby. The sovereign next informed him that he had certain intelligence of the treasonable league which he had formed with the Earls of Ross and Crawford: he explained to him that his very admission that such a confederacy existed made him obnoxious to the punishment of a rebel, and threw him out of the protection of the laws; and he conjured him, as he loved his country, and valued his own safety and welfare, to break the band which bound him to such traitors, and return, as it became a dutiful subject, to his allegiance.[1] But Douglas, unaccustomed to such remonstrances, and perhaps heated by the recent entertainment, listened with impatience and replied with haughty insolence. He even broke into reproaches; upbraided James with his being deprived of his office of lieutenant-governor of the kingdom; and after a torrent of passionate abuse against the councillors who had insinuated themselves into the royal confidence, declared that he little regarded the name of treason with which his proceedings had been branded; that as for his confederacy with Ross and Crawford, he had it not in his power to dissolve it; and if he had, he would be sorry to break with his best friends to gratify the idle caprices of his sovereign. Hitherto the king had listened with patience, which was the more remarkable, as he was naturally fiery and impetuous in his temper; but this rude defiance—uttered to his face by one whom he regarded as an open enemy; who had treated his royal mandate with contempt; under whose nails, to use a strong expression of the times, the blood of his best friends were scarce dry—entirely overcame his self-command. He broke at once from a state of quiescence into an ungovernable fury, drew his dagger, and exclaiming, "False traitor, if thou wilt not break the band, this shall!" he stabbed him first in the throat, and instantly after in the lower part of the body. Upon this, Sir Patrick Gray, with a readiness and good-will which was whetted by revenge, at one blow felled him with his pole-axe; and the rest of the nobles who stood near the king, rushing in upon the dying man, meanly gratified their resentment by repeated strokes with their knives and daggers; so that he expired in a moment without uttering a word, and covered with twenty-six wounds. The window was then thrown open, and the mangled trunk cast into an open court adjoining the royal apartments.[2]

For a murder so atrocious, committed by the hand of the sovereign, and upon the person of a subject for whose safety he had solemnly pledged his royal word, no justification can be pleaded. It offered to the country, at a time when it was important to afford a specimen of respect for the laws, and reverence for the authority of parliament, an example the most pernicious that can be conceived, exhibiting the sovereign in the disgraceful attitude of trampling upon the rules which it was his duty to respect, and committing with his own hand the crimes for which he had arraigned his subjects. But if James must be condemned, it is impossible to feel much commiseration for Douglas, whose career, from first to last, had been that of a selfish, ambitious, and cruel tyrant; who, at the moment when he was cut off, was all but a convicted traitor; and whose death, if we except the mode by which it was brought about, was to be regarded as a public benefit. These considerations, however, were solely entertained by the friends of peace and good order: by the immediate relatives, and the wide circle of the retainers and vassals of the earl, his assassination was regarded with feelings of bitter and unmingled indignation.

Immediately after the death of his powerful enemy, the king, at the head of an armed force, proceeded to Perth in pursuit of the Earl of Crawford, another party, as we have seen, in the league which had cost his associate so dear. In his absence, the faction of

[1] MS. Chronicle in the University Library, Edinburgh. Hawthornden's History, folio edition, p. 29.

[2] Gray's MS. Advocates' Library. Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

Douglas, led by Sir James Douglas, the brother of the murdered chief, who succeeded to the earldom, along with Hugh, earl of Ormond, Lord Hamilton, and six hundred barons and gentlemen, followers and supporters of the family, invaded the town of Stirling, and in the first ebullition of their fury and contempt, according to an ancient custom of defiance, blew out upon the king twenty-four horns at once.[1] They then took the letter of assurance, subscribed by the names and guaranteed by the seals of the Scottish nobles, and, exhibiting it at the Cross, proceeded to nail it, with many "slanderous words," to a board, which they tied to the tail of a sorry horse, and thus dragged it, amid the hooting and execration of their followers, through the streets. The scene of feudal defiance was concluded by their setting fire to the town, and carrying off a great booty.[2]

In the meantime the king proceeded to enrich and reward his servants, by the forfeiture of the lands of those who had shared in the treason of Douglas. He promoted to the office of lieutenant-general of the kingdom the Earl of Huntly, committing to his assured loyalty and experience in war the task of putting down the rebellion of Crawford and Ross; and empowering him to promise to all who came forward to join the royal standard an ample indemnity for past offences, as well as to those who continued firm in their original loyalty the most substantial marks of the favour of the crown. Huntly, in the execution of his new office, instantly raised a large force in the northern counties; and having displayed the royal banner, encountered the Earl of Crawford, surnamed "The Tiger," on a level moor beside the town of Brechin, and gave him a total defeat. The action was fought with determined bravery on both sides, and, although Huntly far outnumbered his opponents, for a long time proved doubtful; but, during the warmest part of the struggle, Colessie of Balnamoon, now called Bonnymoon, who commanded the left wing of the Angus billmen, went over to the enemy, in consequence of some disgust he had conceived the night before in a conference with Crawford; and the effect of his sudden desertion was fatal to his party. His troops, dismayed at this unexpected calamity, and regardless of the furious and almost insane efforts which he made to restore the day, took to flight in all directions. John Lindsay of Brechin, brother to the Tiger, Dundas of Dundas, with sixty other lords and gentlemen, were slain upon the field. On the other side, the loss did not exceed five barons and a small number of yeomen; but amongst the slain, Huntly had to mourn his two brothers, Sir William and Sir Henry Seton.[3] During the confusion and flight of Crawford's army, a yeoman of the opposite side, riding eagerly in pursuit, became involved in the crowd, and, fearful of discovery, allowed himself to be hurried along to Finhaven Castle, to which the discomfited baron retreated. Here, amid the tumult and riot consequent upon a defeat, he is said to have overheard with horror the torrent of abuse and blasphemy which burst from the lips of the bearded savage, who, calling for a cup of wine on alighting from his horse, and cursing in the bitterness of his heart the traitor who had betrayed him, declared that he would willingly take seven years' roasting in hell to have the honour of such a victory as had that day fallen to Huntly.[4]

In the meantime, although the king was thus victorious in the north, the civil war, which was kindled in almost every part of Scotland, by the murder of Douglas, raged with pitiless and unabated fury. The Earl of Angus, although bearing the name of Douglas, had refused to join in the late rebellion, in consequence of which his castle of Dalkeith, a place of great strength, was instantly beleaguered by the enemy, who ravaged and burnt the adja-

[1] Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.
[2] Auchinleck Chronicle, p. 47.
[3] Auchinleck Chronicle, p. 48. Lesley's Hist. p. 23.
[4] Hawthornden's Hist. p. 31.

cent town, and bound themselves by a great oath not to leave the siege till they had razed it to the ground. The bravery, however, of Patrick Cockburn, the governor, soon compelled them to forego their resolution, and to divert the fury which had been concentrated against Dalkeith upon the villages and granges of the adjacent country. The roads and highways became utterly insecure, the labours of agriculture were intermitted, the pursuits of trade and commerce destroyed or feebly followed, from the terror occasioned by the troops of armed banditti who overspread the country, and nothing but insolent riot and needy boldness was prosperous in the land. In the north, whilst Huntly was engaged with Crawford, the Earl of Moray, brother of the late Earl of Douglas, invaded and wasted his estates in Strathbogie. Huntly, on the other hand, victorious at Brechin, fell, with a vengeance whetted by private as well as public wrongs, upon the fertile county of Moray, and completely razed to the ground that half of the city of Elgin which belonged to his enemy; whilst Crawford, infuriated, but little weakened, by his loss at Brechin, attacked in detail, and "*harried*"[1] the lands of all those to whose refusal to join his banner he ascribed his defeat, expelling them from their towers and fortalices, giving the empty habitations to the flames, and carrying themselves and their families into captivity.

In addition to the miseries of open war were added the dangers of domestic treason. James, the ninth earl of Douglas, through the agency of his mother, Lady Beatrix, who at this time repaired to England, continued that secret correspondence with the party of the Yorkists, which appears to have been begun by the late earl.[2] Soon after this, in the extremity of his resentment against the murderer of his brother, he agreed to meet the Bishop of Carlisle, with the Earl of Salisbury and Henry Percy, as commissioners from the English government, then entirely under the management of the Yorkists, and not only to enter into a treaty of mutual alliance and support, but to swear homage to the monarch of England, as his lawful sovereign. Such a miserable state of things calling loudly for redress, the king summoned the three estates to assemble at Edinburgh, on the 12th of June 1453. During the night, however, previous to the meeting a placard, signed with the names of James, earl of Douglas, his three brothers, and Lord Hamilton, their near connexion, was fixed to the door of the house of parliament, renouncing their allegiance to James of Scotland, as a perjured prince and merciless murderer, who had trampled on the laws, broken his word and oath, and violated the most sacred bond of hospitality; declaring that henceforth they held no lands from him, and never would give obedience to any mandate which bore the name and style which he had disgraced and dishonoured.[3] It may be easily imagined that a defiance of this gross nature was calculated to exasperate the bitterness of feudal resentment; and, from the mutilated records which remain to us of the proceedings of this parliament, the leaders and followers of the house of Douglas appear to have been treated with deserved severity.

It was first of all declared in a solemn deed, which met with the unanimous approval of the parliament, that the late Earl of Douglas having, at the time of his death, avowed himself an enemy to the king, and acknowledged a treasonable league as then existing between him and the Earls of Crawford and Ross, was in a state of open rebellion, and that in such circumstances it was lawful for the king to put him summarily to death.[4] Sir James Crichton, the eldest son of the lord chancellor, was created Earl of Moray, in the place of Archibald Douglas, late Earl of Moray, who was forfeited. Others of the loyal barons, who had come forward at this

[1] Harried—Wasted with fire, sword, and plunder.

[2] Lesley's Hist. pp. 23, 24. Rymer, vol. xi. p. 310.

[3] Auchinleck Chronicle, p. 48.

[4] Acts of the Parliament of Scotland, vol. ii. p. 73.

dangerous crisis in support of the crown, were rewarded with lands and dignities. Lord Hay, constable of Scotland, and head of an ancient house, whose bravery and attachment to the crown had been transmitted through a long line of ancestry, was created Earl of Errol. Sir George Crichton of Cairnes was rewarded with the earldom of Caithness, and the Baron of Darnley, Hepburn of Hailes, Boyd, Fleming, Borthwick, Lyle, and Cathcart, were invested with the dignity of lords of parliament. Lands partly belonging to the crown, partly consisting of estates which had been forfeited by the Douglases and their adherents, were bestowed upon Lord Campbell, and his son Sir Colin Campbell, Sir David Hume, Sir Alexander Home, Sir James Keir, and others; but as the appropriation of these estates was an act of the secret council, carried through without the sanction and during the sitting of parliament, it was believed to be unconstitutional, and liable to legal challenge.[1] In the meantime, however, these events, combined with the increasing energy and ability of the sovereign, and the joyful occurrence of the birth of a prince, afterwards James the Third,[2] had the effect of weakening the once formidable power of Douglas. The loss of its chief, the defeat of Crawford, the forfeiture of Moray, the sight of those strong and powerful vassals, who, either from the love of their prince, or the hope of the rewards which were profusely distributed, flocked daily to court with their troops of armed retainers, all combined to render the allies of this rebellious house not a little doubtful of the ultimate success of the struggle in which they were engaged; and when, immediately after the conclusion of the parliament, the royal summonses were issued for the assembling of an army on the moor of Pentland, near Edinburgh, the monarch in a short time found himself at the head of a force of thirty thousand men, excellently armed and equipped, and animated by one sentiment of loyalty and affection.[3]

With this army, the king proceeded in person against the Earl of Douglas, directing his march through the districts of Peeblesshire, Selkirk forest, Dumfries, and Galloway, in which quarters lay the principal estates of this great rebel, who did not dare to make any resistance against the invasion. To prevent the destruction of the crops, which, as it was now the middle of autumn, were almost fully ripe, was impossible; and an ancient chronicle complains that the royal army "destroyit the country right fellounly, baith in cornes, meadows, and victuals;" whilst many barons and gentlemen, who held lands under the Douglases, but dreading the vengeance of the sovereign, had joined the expedition, endured the mortification of seeing their own estates utterly ravaged and laid waste, by the friends whose power they had increased, and whose protection they anticipated.[4] Notwithstanding these misfortunes, which it is probable the sovereign, by the utmost exertion of his prerogative, could not prevent, the army continued united and attached to the royal cause, so that, on its appearance before the castle of Douglas, that haughty chief, who had lately renounced his allegiance, and who still maintained a secret correspondence with England, found himself compelled to lay down his arms, and to implore, with expressions of deep contrition, that he might be once more restored to favour. The consequence of this was a negotiation, in which James, conscious, perhaps, of the provocation he had given, and anxious to restore tranquillity to his dominions, consented to pardon the Earl of Douglas and his adherents, upon certain conditions, which are enumerated in a written bond, or "appointment," as it is denominated, the original of which is still preserved.

In this interesting document, James, earl of Douglas, in the first place, engaged to abstain from every attempt to possess himself of the lands of the

[1] Auchinleck Chronicle, p. 49.
[2] Born June 1, 1452.
[3] Auchinleck Chronicle, p. 49.
[4] Ibid.

earldom of Wigtown or of the lordship of Stewarton, forfeited by the last earl, and presented by the sovereign to his consort the queen. He next promised in his own name and in that of his brother, as well as the Lord Hamilton, fully and for ever to forgive all manner of rancour of heart, feud, malice, and envy, which they had entertained in time past, or might conceive in time to come, against any of the king's subjects, and more especially against all those who were art and part in the slaughter of the late William, earl of Douglas; and he stipulated, for himself and his friends, to obey the wishes of his sovereign, by taking such persons once more heartily into his friendship. The next provision did honour to the humanity of the king, and evinced an enlightened anxiety for the welfare of the lower classes of his people. By it, the earl obliged himself that the whole body of his tenants and rentallers, wherever they might be settled upon his estates, should remain unmolested in their farms, and protected by their tacks or leases till "Whitsunday come a year;" except those tenants that occupied the granges and farm "steadings," which were in the hands of the late earl at the time of his decease, for his own proper use. Even these, however, were not to be immediately dispossessed, but permitted to remain upon their farms till the ensuing Whitsunday, so that the corns should be duly gathered in, and neither the proprietor nor the cultivator endamaged by the sudden desertion of the ground. Douglas next engaged to dissolve all illegal bands or confederations into which he had already entered, and to make no more treasonable agreements in time to come: he promised to bring no claim against the king for any rents which he might have levied, or which the queen might have distrained in Douglasdale or Galloway, previous to this agreement: he bound himself, in the execution of his office of warden, to maintain and defend the Borders, and keep the truce between the kingdoms to the best of his skill and power, and to pay to his sovereign lord, the king, all honour and worship, "he having such surety as was reasonable for safety of his life." Lastly, he engaged to restore all goods which had been seized from persons who enjoyed letters of protection, and to make compensation for all injuries which they had sustained; and to this agreement he not only put his own hand and seal, but, for the greater solemnity, took his oath upon the holy gospels.[1]

That the king was led by sound policy in his desire to convert the Earl of Douglas from a dangerous opponent of the government into a peaceable subject cannot be doubted. But although the principle was good, the measures adopted for the accomplishment of the end in view were injudicious. Instead of effectually abridging the vast power of Douglas, leaving him just so much as should prevent him from being driven to despair, James, either following his own opinion or misled by the advice of Crichton and Kennedy, who at this time acted as his chief counsellors, not only promised to put him into possession of the earldom of Wigtown and the lands of Stewarton, but engaged in a negotiation with the court of Rome, the object of which was to prevail upon the Pope to grant a dispensation for the marriage of the earl with the Countess Margaret, the youthful widow of his deceased brother. The dispensation having accordingly been procured, the marriage took place, although the unnatural alliance was forced upon the heiress of Galloway contrary to her earnest tears and entreaties.[2] It is difficult to understand, from the imperfect records of those times, how such sagacious politicians as Crichton and Kennedy should have given their countenance to a measure so pregnant with mischief. It again united in the person of the Earl of Douglas the immense entailed and unentailed estates of the family; and, should he have children,

[1] MS. Collections, called Sir Lewis Stewart's Collections. Advocates' Library, Edin. a 4, 7, p. 19. It is dated 28th August 1452. See Illustrations, M.

[2] Andrew Stuart's Hist. p. 444.

it revived the disputed claims between the descendants of Euphemia Ross and Elizabeth More, holding out an inducement to that ambitious noble to re-enact his brother's treason.[1] There is reason to believe, indeed, that perhaps at the very moment when Douglas was thus experiencing the distinguished favour of his sovereign, and undoubtedly within a very short period thereafter, he had engaged in a secret treasonable correspondence with Malise, earl of Menteith, then a prisoner in Pontefract castle, and the English ministers. Its object was to overturn the existing government in Scotland, and to put an end to the dynasty then on the throne, by means of a civil insurrection, which was to be seconded by the arms and money of the Yorkists, whilst the confidence with which he was treated enabled him to mature his designs in the sunshine of the royal favour.[2]

In the meantime, the king, apparently unsuspicious of any such intentions, undertook an expedition to the north, accompanied by his privy council and a select body of troops, consisting, in all probability, of that personal guard which, in imitation of the French monarchs, appears for the first time during this reign in Scotland. The Earl of Huntly, by his zeal and activity in the execution of his office of lieutenant-general, had succeeded in restoring the northern counties to a state of quiet and security; and in the progress through Angus a singular scene took place. The Earl of Crawford, lately notorious for his violent and rebellious career, and the dread of Scotland under his appellation of "the Tiger," suddenly presented himself befor the royal procession, clothed in beggarly apparel, his feet and head bare, and followed by a few miserable-looking servants in the same ragged weeds. In this dejected state he threw himself on his knees before the king, and with many tears implored his forgiveness for his repeated treasons. Huntly, with whom he had already made his peace, along with Crichton and Kennedy, by whose advice this pageant of feudal contrition had been prepared, now interceded on his behalf; and the king, moved by the penitence, not only of the principal offender, but of the miserable troop by whom he was accompanied, extended his hand to Crawford. He assured him that he was more anxious to gain the hearts than the lands of his nobles, although by repeated treasons their estates had been forfeited to the crown, and bade him and his companions be of good cheer, as he was ready freely to forgive them all that had passed, and to trust that their future loyalty would atone for their former rebellion. The fierce chief was accordingly restored to his honours and estates; and the king appears to have had no reason to repent his clemency, for Crawford, at the head of a strong body of the barons and gentlemen of Angus, accompanied the monarch in his future progress.[3] On his return, he entertained him with great magnificence at his castle of Finhaven; and from this time till the period of his death remained a faithful supporter of the government. It was unfortunate, indeed, that a fever, which cut him off six months after his restoration to the royal favour, left him only this brief interval of loyalty to atone for a life of rebellion.[4]

It is pleasing to be compelled for a few moments to intermit the narrative of domestic war and civil confusion by the occurrence of events which indicate a desire at least to soften the ferocity of feudal manners by the introduction of schools of learning. In the month of January 1450, Pope Nicholas, at the request of William Turnbull, bishop of Glasgow, granted his rescript for the foundation of a university in that city; and in the month of June in the subsequent year the Papal bull was proclaimed at the Cross with great solemnity. Yet at first the infant university was spar-

[1] Duncan Stewart's Hist. and Geneal. Account of the Royal Family of Scotland, p. 57.
[2] Rotuli Scotiæ, vol. ii. 268. 17th June 1453.
[3] Buchanan, book xi. chap 42. Lesley's Hist. p. 27.
[4] Auchinleck MS. p 51.

ingly endowed; and such was the iniquity of the times and the unfavourable disposition towards learning, that so late as the year 1521, we are informed by Mair in his History of Scotland, it was attended by a very small number of students.[1]

The transactions which occupied the years immediately succeeding the death of the Earl of Crawford are involved in an obscurity which is the more to be lamented as their consequences were highly important, and ultimately led to the total destruction of the house of Douglas. The only contemporary chronicle which remains is unfortunately too brief to afford us any satisfactory insight into the great springs of a rebellion which shook the security of the throne; and the light reflected on those dark times by the few original records which remain is so feeble and uncertain that it operates rather as a distraction than an assistance to the historian. In such circumstances, abstaining from theory and conjecture, the greater outlines are all that it is possible to trace.

During the year 1454, the Earl of Douglas entered deeply into a treasonable correspondence with the powerful party of the Yorkists in England, who, at this time having succeeded in undermining the influence of the Duke of Somerset, had obtained the supreme management of the state.[2] The great principles which regulated the foreign policy of the party of York were enmity to France, and consequently to Scotland, the ancient ally of that kingdom; and this naturally led to a secret negotiation with the Earl of Douglas. His ambition, his power, his former rebellion, his injuries and grievances were all intimately known at the English court; and it was not difficult for a skilful intriguer like the Duke of York, by addressing to him such arguments as were best adapted to his design, to inflame his mind with the prospect of supreme authority, and rouse his passions with the hope of revenge. Douglas, however, had miscalculated the strength of the king, which was far greater than he supposed; and he had reckoned too certainly on the support of some powerful fellow-conspirators, who, bound to him, not by the ties of affection, but of interest, fell off the moment they obtained a clear view of the desperate nature of the enterprise in which he was engaged.

In the midst of these threatened dangers, and in the end of the year 1454, Lord Crichton, late chancellor of the kingdom, and a statesman of veteran experience, died at the castle of Dunbar. If we except his early struggles with his rival Livingston for the custody of the person of the infant king, his life, compared with that of most of his fellow-nobles, was one of upright and consistent loyalty; and since his coalition with Kennedy he had so endeared himself to his sovereign that the most intimate of the royal counsellors dreaded to impart to him an event which they knew would so deeply affect him.[3]

In the meantime Douglas despatched Lord Hamilton into England, where, in a meeting with the Yorkists, an immediate supply of money and of troops was promised,[4] upon the condition that the conspirators should give a pledge of the sincerity of their intentions, by taking the oath of homage to the English crown—a piece of treachery to which Hamilton would not consent, although there is reason to believe it met with few scruples in the convenient conscience of Douglas. Before, however, this test had been taken, the royal vengeance burst upon the principal conspirator with a violence and a rapidity for which he appears to have been little prepared. James, at the head of a force which defied all resistance, attacked and stormed his castle of Inveravon, and after having razed it to the ground pressed forward without a check to Glasgow, where he collected the whole strength of the

[1] Major, De Gestis Scotorum, p. 19. Auchinleck Chronicle, p. 45.

[2] Rymer, vol. xi. p. 349. Acts of the Parliament of Scotland, vol. ii. pp. 75, 76. Processus Forisfacture Jacobi Douglas, olim Comitis de Douglas. Carte's Hist. of England, vol. ii. p. 745.

[3] Auchinleck Chronicle, p. 52.

[4] Ibid. p. 53.

western counties, and a large force of the Highlanders and Islesmen. With this army he marched to Lanark, invaded Douglasdale and Avondale, which he wasted with all the fury of military execution, and after delivering up to fire and sword the estates belonging to Lord Hamilton, passed on to Edinburgh; from thence, without delay, at the head of a new force, chiefly of Lowlanders, he invaded the forests of Selkirk and Ettrick, and compelled all the barons and landed gentlemen of whom he entertained any suspicion to renew their allegiance, and join the royal banner, under the penalty of having their castles levelled with the ground and their estates depopulated.[1] He next besieged the castle of Abercorn, which, from the great strength of its walls, and the facilities for defence afforded by its situation, defied for a month the utmost attempts of the royal army.[2] Battered and broken up at last by the force of the machines which were brought to bear upon the towers, and exposed to the shot of a gun of large size, which was charged and directed by a French engineer, the place was taken by escalade, and the principal persons who had conducted the defence instantly hanged. The walls were then dismantled, and the rest of the garrison dismissed with their lives. During the siege a desperate but ineffectual attempt to disperse the royal army was made by Douglas, who concentrated his forces at Lanark,[3] and along with his kinsman, Lord Hamilton, advanced to the neighbourhood of Abercorn, where, however, such was the terror of the royal name, and the success of the secret negotiation of Bishop Kennedy with the leaders in the rebel army, that in one night they deserted the banner of their chief, and left him a solitary fugitive, exposed to the unmitigated rigour of the regal vengeance. Hamilton, whose treachery to Douglas had principally occasioned this calamity, was immediately committed to close confinement, whilst the great earl himself, hurled in a moment from the pinnacle of pride and power to a state of terror and destitution, fled from his late encampment under cover of night, and for some time so effectually eluded pursuit that none knew in what part of Scotland he was concealed.[4]

In the meantime the success of the king was attended with the happiest effects throughout the country, not only in affording encouragement to the friends of peace and order, who dreaded the re-establishment of a power in the house of Douglas which repeated experience had shewn to be incompatible with the security of the realm, but in bringing over to the royal party those fierce feudal barons who, either from fear or the love of change and of plunder, had entered into bands with the house of Douglas, and now found it their interest to desert a falling cause. In consequence of this change the castles which in the commencement of the rebellion had been filled with military stores, and fortified against the government, were gradually given up, and taken possession of by the friends of the crown. Douglas castle, with the strong fortresses of Thrieve in Galloway, Strathaven, Lochendorb, and Tarnaway, fell successively into the hands of the king; and the Earl of Douglas having once more reappeared in Annandale at the head of a tumultuous assemblage of outlaws, who had been drawn together by the exertions of his brothers, the Earls of Moray and Ormond, was encountered at Arkinholme,[5] and totally defeated by the king's troops, under the command of the Earl of Angus. The battle was fought by Douglas with that desperate courage which arose out of the conviction that it must be amongst his last struggles for existence; but the powerful and warlike Border families, the Maxwells, Scotts, and Johnstons, inured to daily conflict, had joined the standard of

[1] Auchinleck Chronicle, pp. 53, 54.

[2] Original letter from James the Second to Charles the Seventh of France. Pinkerton's Hist. vol. i. p. 486.

[3] Acts of the Parliament of Scotland, vol. ii. p. 76.

[4] Auchinleck Chronicle, pp. 53, 54.

[5] Arkinholme, on the River Esk, opposite Wauchop Kirk.

the king, and the undisciplined rabble which composed the rebel army were unable to stand against them.[1] Ormond was taken prisoner and instantly executed; his brother, the Earl of Moray, fell in the action, and after a total dispersion of his army, the arch-rebel, along with his only remaining brother, Sir John Douglas of Balveny, made his escape into the wilds of Argyleshire, where he was received by the Earl of Ross, the only friend who now remained to him of all the great connexions upon whose assistance he had so confidently reckoned in his enterprise against his sovereign. These important events took place during the continuance of the siege of Abercorn, and the first intimation of them received by the king was the arrival of a soldier from the field of Arkinholme, who laid the bleeding and mangled head of the Earl of Moray at the feet of his prince. "The king," says an ancient chronicle, "commended the bravery of the man who brought him this ghastly present, although he knew not at the first look to whom the head belonged."[2]

Having brought his affairs to this successful conclusion, James assembled his parliament at Edinburgh on the 9th of June 1455, and proceeded to let loose the offended vengeance of the laws against the rebels who had appeared in arms against the government. James, late earl of Douglas, having failed to appear and answer to the charges brought against him, after having been duly summoned at his castles of Douglas and Strathaven, was declared a traitor; his mother, Beatrix, countess of Douglas, in consequence of the support and assistance lent by her to the cause of her son, his brother Archibald, late earl of Moray, who had fallen at Arkinholme[1] and Sir John Douglas of Balveny, who had fortified the castle of Abercorn, and leagued himself with the king's enemies of England, were involved in the same condemnation; and the prelates and clergy who sat in the parliament having retired, David Dempster of Caraldstone pronounced it to be the judgment of the three estates, that these persons had forfeited their lives, and that their whole movable and unmovable property, their estates, chattels, superiorities, and offices, had escheated in the hands of the crown. To give additional solemnity to this sentence, the instrument of forfeiture, which is still preserved, was corroborated by the seals of the Bishops of St Andrews, Dunblane, Ross, Dunkeld, and Lismore; by those of the Earls of Athole, Angus, Menteith, Errol, and Huntly; those of the Lords Lorn, Erskine, Campbell, Grahame, Somerville, Montgomery, Maxwell, Leslie, Glammis, Hamilton, Gray, Boyd, and Borthwick; whilst the sanction of the whole body of the commissioners of the burghs who were not provided at the moment with the seals of their respective communities, was declared to be fully given by appending to it the single seal of the burgh of Haddington.[3]

Whilst such events were passing in the low country, the Earl of Douglas, formidable even in his last struggle, had entered into an alliance with John, earl of Ross and lord of the Isles, to whom he had fled immediately after the disastrous issue of the battle of Arkinholme. This powerful ocean prince immediately assembled his vassals, and having collected a fleet of a hundred light galleys, which received on board a force of five thousand men, he intrusted the chief command to his near relation, Donald Balloch, lord of Isla, and a chief of formidable power not only in Scotland, but in the north of Ireland.[4] Animated by hereditary

[1] Sir Walter Scott of Kirkurd, the male ancestor of the Buccleuch family, on February 22, 1458-9, got a charter of lands in the barony of Crawfordjohn, "pro eo quod interfuit conflictu de Arkinholme, in occisione et captione rebellium quondam Archib. et Hugonis de Douglas, olim Comitum Moraviæ et Ormond." Mag. Sigill. v. 46.

[2] MS. Chronicle of this reign in the University of Edinburgh, A.C. c. 26. Letter of James the Second to Charles the Seventh. Pinkerton, vol. i. p. 486. See Illustrations N.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 42, 75, 77.

[4] This Donald Balloch was son of John of Isla, brother to Donald, earl of Ross, and inherited, through his mother, the territory of the Glens, in the county of Antrim.

hatred against the Scottish throne, Donald conducted a naval "raid," or predatory expedition, along the western coast of Scotland, commencing hostilities at Innerkip, and thence holding his progress to Bute, the Cumbraes, and the island of Arran. Yet, owing to the able measures of defence adopted by the king, the enterprise met with little success; and the loss to the government, in lives and in property, was singularly disproportionate to the formidable maritime force which was engaged. "There was slain," says a contemporary chronicle, whose homely recital there is no reason to suspect of infidelity, "of good men fifteen, of women two or three, of children three or four. The plunder included five or six hundred horse, ten thousand oxen and kine, and more than a thousand sheep and goats. At the same time they burnt down several mansions in Innerkip, around the church, harried all Arran, stormed and levelled with the ground the castle of Brodick, and wasted with fire and sword the islands of the Cumbraes. They also levied tribute upon Bute, carrying away a hundred bolls of meal, a hundred bolls of malt, a hundred marts, and a hundred marks of silver."[1] The expedition appears to have been concluded by an attack upon Lauder, bishop of Lismore, a prelate who had made himself obnoxious to the party of Douglas, by affixing his seal to the instrument of their forfeiture. This dignitary, a son of the ancient family of Lauder of Balcomy in Fife, had been promoted by James the First to the bishopric of Argyle; but ignorant of the manners and the language of the rude inhabitants of his diocese, he early became unpopular, and his attempts to extinguish the disorders with which he was surrounded, by the firm authority of ecclesiastical law, were received with execration, and almost universal resistance. Three years previous to the expedition of Donald Balloch, on the occurrence of some misunderstanding between a parson or vicar of the bishop, whom he had appointed to one of his churches, and some of the Celtic officials attached to the administration of the diocese, Sir Gilbert Maclachlan, and Sir Morice Macfadyan, who filled the offices of chancellor and treasurer of the cathedral, having assembled the whole force of the clan Lachlan, violently assaulted the prelate during the course of a peaceful journey to his own cathedral church. They scornfully addressed him in the Gaelic tongue, dragged from their horses and bound the hands of the clerks which composed his train, stripped them of their rich copes, hoods, and velvet caps, plundered next morning the repositories of the church of its silver and ornaments, even seized the bulls and charters, and compelled the bishop, under terror of his life, to promise that he would never prosecute the men who had thus shamefully abused him. Such were the miserable scenes of havoc and violence which fell to the lot of the prelates who were bold enough to undertake the charge of those remote and savage dioceses; and we now, only three years after this cruel assault, find the same unfortunate dignitary attacked by the fierce admiral of the Isles, and after the slaughter of the greater part of his attendants, driven into a sanctuary which seems scarcely to have protected him from the fury of his enemies.[2]

Whilst Douglas thus succeeded in directing against the king the vengeance of the Isles, he himself had retired to England, where he was not only received with distinction by his ally the Duke of York, at this time possessed of the supreme power in the government, but repaid for his service by an annual pension of five hundred pounds, "to be continued to him until he should be restored to his possessions, or to the greater part of them, by the person who then called himself King of Scots."[3] It was hardly to be expected that an indignity like this, offered by a faction which had all along encouraged a rebellion in Scotland as a principal instrument in pro-

[1] Auchinleck Chronicle, p. 55.

[2] Auchinleck Chronicle, pp. 50, 51.

[3] Rymer, Fœdera, vol. xi. p. 367.

moting their intrigues, should not have excited the utmost resentment in the bosom of the Scottish monarch; and it was evident that a perseverance in such policy must inevitably hurry the two nations into war. James, however, whose kingdom was scarce recovered from the lamentable effects of the late rebellion, with a wisdom which was willing to overlook the personal injury, in his anxiety to secure to his people the blessing of peace, despatched a conciliatory embassy to the English court. At the same time he directed a letter to Henry the Sixth, complaining of the encouragement held out to a convicted traitor like Douglas, warning him of the fatal consequences which must result to himself in England, as well as to the kingdom which had been committed by God to his charge, if rebellion in a subject was thus fostered by a Christian prince; and declaring that, however unwilling to involve his subjects in war, he would never so far forget his kingly office as to permit his own dignity to be insulted, and the prosperity of his people endangered, with impunity, by any power whatever.[1]

This spirited remonstrance appears to have been followed by preparations for immediate hostilities, which, it may be easily believed, were not rendered less urgent by the following extraordinary epistle, which was soon after transmitted to the Scottish monarch:—"The king, to an illustrious prince, James, calling himself King of Scotland, sends greeting: We presume that it is notorious to all men, and universally acknowledged as a fact, that the supreme and direct dominion over the kingdom of Scotland appertains by law to the King of England, as monarch of Britain. We presume it to be equally acknowledged and notorious, that fealty and homage are due by the King of Scots to the King of England, upon the principle that it becomes a vassal to pay such homage to his superior and overlord; and that from times of so remote antiquity that they exceed the memory of man, even to the present day, we and our progenitors, Kings of England, have possessed such rights, and you and your ancestors have acknowledged such a dependence. Wherefore, such being the case, whence comes it that the subject hath not scrupled insolently to erect his neck against his master? and what think ye ought to be his punishment, when he spurns the condition and endeavours to compass the destruction of his person? With what sentence is treason generally visited—or have you lived so ignorant of all things as not to be aware of the penalties which await the rebel, and him who is so hardy as to deny his homage to his liege superior? If so, we would exhort you speedily to inform yourself upon the matter, lest the lesson should be communicated by the experience of your own person, rather than by the information of others. To the letters which have been presented to us by a certain person, calling himself your lion-herald and king-at-arms, and which are replete with all manner of folly, insolence, and boasting, we make this brief reply: It hath ever been the custom of those who fight rather by deceit than with open arms, to commit an outrageous attack, in the first instance, and then to declare war; to affect innocence, and shift their own guilt upon their neighbours; to cover themselves with the shadow of peace and the protection of truces, whilst beneath this veil they are fraudulently plotting the ruin of those they call their friends. To such persons, whose machinations we cordially despise, it seems to us best to reply by actions. The repeated breaches of faith, therefore, which we have suffered at your hands; the injury, rapine, robbery, and insolence, which have been inflicted upon us, contrary to the rights of nations, and in defiance of the faith of treaties, shall be passed over in silence rather than committed to writing; for we esteem it unworthy of our dignity to attempt to reply to you in your own fashion by slanders and reproaches. We would desire, however, that, in the mean season, you should not be ignorant that, instead of its having the

[1] Rymer, Fœdera, vol. xi. p. 383.

intended effect of inspiring us with terror, we do most cordially despise this vain confidence and insolent boasting, in which we have observed the weakest and most pusillanimous persons are generally the greatest adepts; and that you should be aware that it is our firm purpose, with the assistance of the Almighty, to put down and severely chastise all such insolent rebellions, and arrogant attempts, which it hath been your practice contumeliously to direct against us. Wishing, nevertheless, with that charity which becomes a Christian prince, that it may please our Lord Jesus Christ to reclaim you from error into the paths of justice and truth, and to inspire you for the future with a spirit of more enlightened judgment and counsel, we bid you farewell."[1]

It does not appear that the king took any notice of this singular specimen of diplomatic insolence, in which, with an amusing inconsistency, the writer condemns the error into which he falls himself; but it is evident, from the preparations appointed to be made by the parliament which assembled at Edinburgh during the course of the same year, on the 4th of August, and afterwards on the 13th of October, that it had been preceded, and it was certainly followed, by serious hostilities upon the Borders. The particulars of these conflicts on the marches do not, however, appear in the later historians of the times, or in the pages of the contemporary chronicles; and, although carried on with all the desolating fury which distinguished the warfare of the marches, they led to no important results, and were soon after intermitted, in consequence of the partial recovery of health by Henry the Sixth, a circumstance which removed the Duke of York from the office of protector, and for a while deprived him of the supreme power in the state. The Earl of Douglas, however, continued still in England, animated by the bitterest resentment against James, and exerting every effort to organise a force sufficiently strong to enable him to invade the kingdom from which he had been so justly expelled. His success in this treasonable object, although ultimately of so alarming a nature as once more to threaten the tranquillity of the kingdom, was counteracted for the present by the revival of the influence of the Duke of Somerset, which had ever been favourable to Scotland; and the measures adopted by the parliament for strengthening the authority of the crown, and increasing the defensive force of the kingdom, were well calculated to render abortive the utmost attempts of its enemies.

[1] Rymer, Fœdera, vol. xi. p. 383.

With regard to the first of these objects, it would be difficult to explain the intentions of the legislature in a more forcible manner than in the words of the statute itself. It declared, that "since the poverty of the crown is ofttimes the cause of the poverty of the realm, and of many other inconveniences which it would be tedious to enumerate, it had been ordained, by the advice of the full council of parliament, that there should be, from this time, appointed certain lordships and castles in every part of the realm, where, at different periods of the year, the sovereign may be likely to take up his residence, which were to belong in perpetuity to the crown, never to be settled or bestowed either in fee or franctenure upon any person whatever, however high his rank or estate, except by the solemn advice and decree of the whole parliament, and under circumstances which affected the welfare and prosperity of the kingdom." For the additional security of the crown lands, it was further declared "that even if the present monarch, or any of his successors, should alienate or convey away to any person the lordships and castles which were the property of the crown, such a transaction being contrary to the will of parliament, should not stand good in law; but that it should be permitted to the king, for the time being, to resume these lands into his own hands without the solemnity of any intervening process of law; and not only to resume them, but to insist that

those who had unjustly occupied these royal estates should refund the whole rents and profits which they had received, till the period of their resumption by the crown." It was lastly enacted, "that the present king and his successors should be obliged to take an oath that they shall keep this statute, and duly observe it in every particular."[1] There was added to this enactment a particular enumeration of the crown lands and revenue. In the light which it throws on the history of the constitution, at a period when the crown was struggling for existence against the growing power of the aristocracy, it is too interesting to be passed over.

The first article in this enumeration is the sum arising from the whole customs of Scotland, which were in the hands of James the First on the day of his death; it being, however, provided, that those officers whose pensions were payable out of the customs should receive compensation from some other source. After this follows the specific enumeration of the crown lands, beginning with the lordship of Ettrick forest, and the whole lordship or principality of Galloway, along with the castle of Thrieve. These two great accessions of territory, which were now annexed to the crown, had long formed one of the richest and most populous portions of the forfeited estates of the house of Douglas. Next we find the castle of Edinburgh, with the lands of Ballincreif and Gosford, together with all other estates pertaining to the king within the sheriffdom of Lothian. Also, the castle of Stirling, with all the crown lands around it; the castle of Dumbarton, with the lands of Cardross, Roseneath, and the pension from Cadyow, with the pension of the "ferme meill" of Kilpatrick; the whole earldom of Fife, with the palace of Falkland; the earldom of Strathern, with the rights belonging to it; the house and lordship of Brechin, with the services and superiority of Cortachy; the castles and lordships of Inverness and Urquhart, with the waters mails or rents due for the fishings of Inverness; the lordship of Abernethy, and the several baronies of Urquhart, Glenorchane, Bonnechen Bonochar, Annache, Edderdail, otherwise called Ardmanache, Pecty, Brachly, and Strathern; and, lastly, the Redcastle, with the lordships in the county of Ross which are attached to it. It was also particularly provided that all regalities which at present belonged to the king should be indissolubly annexed to the crown lands, and that in time to come no erection of regalities should take place without the advice of the parliament.[2]

Other measures of the same parliament had an evident reference to the increasing the authority of the crown. It was ordained that, for the future, the wardenry of the Borders, an office of the utmost power and responsibility, should cease to be hereditary; that the wardens should have no jurisdiction in cases of treason, except where such cases arose out of an infraction of the truce; and that no actions or pleas in law should be brought into the court of the warden, but ought to be prosecuted before the justice-ayre. The situation of warden had long been esteemed the inalienable property of the house of Douglas, and its abolition as a hereditary dignity was the consequence of the late rebellion. But the able ministers who at this time directed the king's councils were not satisfied with cutting down the exorbitant power of the warden. The blow was wisely aimed against the principle which made any office whatever a hereditary fee; and it was declared that, in all time to come, "no office should be given in fee or heritage, whilst such as had been so disposed of since the death of the late king were revoked and abolished, due care being taken that any price or consideration which had been advanced by the incumbent should be restored. From the operation of this excellent statute, an exception was made in favour of the wardenry of the march, which the king had bestowed on his son, Alex-

[1] Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

ander, earl of March and lord of Annandale.[1] A few other statutes, enacted in this same parliament, deserve attention. He who arrested any false coiner, and brought him to the king, was to have ten pounds for his labour, and the escheat of the offender. Sornars[2] were to be punished as severely as thieves or robbers; and for the settlement of those inferior disputes which were perpetually occurring between the subjects of the burghs of the realm, it was provided that the privy council should select eight or twelve persons, according to the size of the town, to whose decision all causes, not exceeding the sum of five pounds, were to be intrusted.

A curious statute followed on the subject of dress, which is interesting, from its minuteness. It declared, that with regard to the dresses to be worn by earls, lords of parliament, commissaries of burghs, and advocates, at all parliaments and general councils, the earls should take care to use mantles of "brown granyt," open in the front, furred with ermine, and lined before with the same, surmounted by little hoods of the same cloth, to be used for the shoulders. The other lords of parliament were directed to have a mantle of red cloth, open in front, and lined with silk, or furred with "Cristy gray, grece, or purray, with a hood furred in the same manner, and composed of the same cloth;" whilst all commissaries of burghs were commanded to have a pair of cloaks,—such is the phrase made use of,—of blue cloth, made to open on the right shoulder, to be trimmed with fur, and having hoods of the same colour. If any earl, lord of parliament, or commissary, appeared in parliament, or at the general council, without this dress, he was to pay a fine of ten pounds to the king. All men of law employed and paid as "forespeakers," were to wear a dress of green cloth, made after the fashion of a "tunykill," or little tunic, with the sleeves open like a tabard, under a penalty of five pounds to the king, if they appeared either in parliament or at general councils without it; and in every burgh where parliament or general councils were held, it was directed that there be constructed "where the bar uses to stand," a platform, consisting of three lines of seats, each line higher than the other, upon which the commissaries of the burghs were to take their places.[3]

At a prorogued meeting of the same parliament, held at Stirling on the 13th of October, regulations were made for the defence of the kingdom against any sudden invasion of the English, which explain the system of transmitting information by beacons adopted in those early times, in an interesting manner. At the different fords or passages of the Tweed between Roxburgh and Berwick, where it was customary for the English forces to cross the river, certain watchmen were stationed, whose duty it was to light a bale-fire, or beacon, the moment they received word of the approach of an enemy. It was to be so placed as to be seen at Hume castle, and to this station the watchmen were instantly to repair. The beacon fires were to be regulated in the following manner:—One fire was understood to signify that an enemy was reported to be approaching,—two fires, that they were coming for certain,—by four fires, lighted up at once, and each beside another, like four "*candellis, and all at ayns*,"[4] to use the homely language of the statute, it was to be understood that the invading army was one of great strength and power. The moment that the watchmen stationed at Eggerhope (now Edgerton) castle descried the beacon at Hume, they were commanded to light up their bale-fire; and the moment the men stationed at Soutra Edge descried the Eggerhope fire, they were to answer it by a corresponding beacon on their battlements; and thus,

[1] Acts of the Parliament of Scotland, vol. ii. p. 43.

[2] An expressive Scottish word, meaning a stout armed vagrant, who insists on taking up his quarters for an indefinite period at the various houses he visits.

[3] Acts of the Parliament of Scotland, vol. ii. p. 43.

[4] All at once.

fire answering to fire, from Dunbar, Haddington, Dalkeith, all Lothian was to be roused as far as Edinburgh castle. At Edinburgh four beacons were instantly to be lighted to warn the inhabitants of Fife, Stirling, and the eastern part of Lothian. Beacons were also directed to be kindled on North Berwick Law and Dunpender Law, to warn the coast side of the sea: it being understood that all the fighting men on the west side of Edinburgh should assemble in that city; and all to the east of it, at Haddington; whilst all merchants and burghers were directed to join the host as it passed through their respective communities. By another statute of the same parliament, two hundred spearmen and two hundred bowmen were ordered to be maintained, at the expense of the Border lords, upon the east and middle marches; whilst, upon the west marches, there was to be kept up a force of one hundred bows and one hundred spears; the Border lords and barons being strictly enjoined to have their castles in good repair, well garrisoned, and amply provided with military stores, whilst they themselves were to be ready, having assembled their vassals at their chief places of residence, to join the warden, and pass forward with the host wherever he pleased to lead them.[1]

Some other statutes are worthy of notice, as illustrating the state of the Borders and the manners of the times. It was directed that when a warden raid took place, meaning an invasion of England by the lord warden in person, or when any other chieftain led his host against the enemy, no man was to be permitted, under pain of death, and forfeiture of his whole goods, to abstract any part of the general booty, until, according to the ancient custom of the marches, it had been divided into three parts, in presence of the chief leader of the expedition; any theft of the plunder or the prisoners belonging to the leaders or their men—any supplies furnished to the English garrisons of Roxburgh or Berwick—any warning given to the English of a meditated invasion by the Scots—any private journey into England, without the king's or the warden's safe-conduct, was to be punished as treason, with the loss of life and estate; and it was strictly enjoined upon the principal leaders of any raids into England, that they should cause these directions of the parliament to be communicated to their host previous to the expedition, so that none might allege ignorance of the law as an excuse of its violation.[2]

Amid these wise endeavours to strengthen the power of the crown, and to provide for the security of the kingdom, James was surprised by the arrival at court of two noble ladies, who threw themselves upon his protection. These were the Countess of Douglas, known before her marriage by the name of the Fair Maid of Galloway; and the Countess of Ross, a daughter of the once powerful house of Livingston.[3] The first had been miserable in her marriage with that Earl of Douglas who had fallen by the king's hand in Stirling castle, and equally wretched in her subsequent unnatural union with his brother, at this moment a rebel in England. Profiting by his absence, she now fled to the court of the king, representing the cruelty with which she had been treated both by the one and the other. She was not only welcomed with the utmost kindness and courtesy, but immediately provided with a third husband, in the king's uterine brother, Sir John Stewart, son of his mother by her second husband, the Black Knight of Lorn. In what manner her marriage with Douglas was dissolved does not appear; but it is singular that she had no children by either of her former husbands. Her third lord, to whom she bore two daughters,[4] was soon afterwards created Earl of Athole, and

[1] Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

[3] Buchanan, book xi. chap. xlv.

[4] Her two daughters were Lady Janet, married to Alexander, earl of Huntly; and Lady Catherine, to John, sixth Lord Forbes.

enriched by the gift of the forfeited barony of Balveny. To the Countess of Ross, the wife of the rebel earl of that name, and to whom her husband's treason appears to have been as distasteful as to the consort of the Earl of Douglas, James with equal readiness extended the royal favour, and assigned her a maintenance suited to her rank;[1] whilst not long after, a third noble female, his sister, the Princess Annabella, arrived from the court of the Duke of Savoy. She had been betrothed to Louis, the second son of the Duke of Savoy; but, at the request of the King of France, and on payment of the sum of twenty-five thousand crowns, James consented to a dissolution of the intended marriage; and, on her return to Scotland, she became the wife of the first Earl of Huntly.[2]

Disengaged from these minor cares, the king found himself soon after involved in a negotiation requiring greater delicacy in its management, and which, if abortive, might have been productive of consequences prejudicial to the kingdom. It arose out of a complaint transmitted to the Scottish court by Christian, king of Norway, upon the subject of the money due by the King of Scotland for the Western Isles and the kingdom of Man, in virtue of the treaty concluded in 1426 between James the First, and Eric, king of Norway. This treaty itself was only a confirmation of the original agreement, by which, nearly two hundred years before, Alexander the Third had purchased these islands from Magnus, then King of Norway; and Christian now remonstrated, not merely on the ground that a large proportion of arrears was due, but that one of his subjects, Biorn, son of Thorleif, the Lieutenant of Iceland, having been driven by a storm into a harbour in the Orkneys, had been seized by the Scottish authorities, contrary to the faith of treaties, and cast, with his wife and his attendants, into prison.[3] Happily, after some correspondence upon these points, instead of an appeal to arms, the parties adopted the expedient of referring all differences to the decision of Charles the Seventh, their mutual friend and ally; who, after various delays, pronounced his final decision at a convention of the commissioners of both kingdoms, which was not held till four years after this period, in 1460.

In the meantime, in consequence of the re-establishment of the influence of the house of Lancaster by the restoration of Henry the Sixth, and his queen, a woman of masculine spirit, affairs began to assume a more favourable aspect on the side of England; and the King of Scotland having despatched the Abbot of Melrose, Lord Graham, Vans, dean of Glasgow, and Mr George Fala, burgess of Edinburgh as his commissioners to the English government, a truce between the two countries was concluded, which was to last till the 6th of July 1459.[4] This change, however, in the administration of affairs in England did not prevent the Earl of Douglas, who during the continuance of the power of the Yorkists had acquired a considerable influence in that country, from making the strongest efforts to regain the vast estates of which he had been deprived, and to avenge himself on the sovereign whose allegiance he had forsworn. He accordingly assembled a force in conjunction with the Earl of Northumberland, and breaking across the Border, wasted the fertile district of the Merse in Berwickshire with the merciless fury of a renegade. After a course of plunder and devastation, which, without securing the confidence of his new friends, made him detested by his countrymen, he was met and totally defeated by the Earl of Angus, at the head of a division of the royal army; nearly a thousand of the English were slain, seven hundred taken prisoners, and Douglas, once more driven a fugitive into England, found himself so effectually shorn of his power and limited in his resources, that he remained perfectly inoffen-

[1] Mag. Sig. vii. 371. 8th February 1475.
[2] Ibid. v. 91. 1st March 1459.
[3] Torfæi Orcades, p. 184.
[4] Rymer Fœdera, vol. xi. pp. 389 399.

sive during the remainder of this reign.[1]

The lordship of Douglas and the wide domains attached to this dignity were now, in consequence of his important public services, conferred upon the Earl of Angus, a nobleman of great talents and ambition, connected by his mother, who was a daughter of Robert the Third, with the royal family, and inheriting by his father, George, first earl of Angus, a son of the first earl of Douglas, the same claim to the crown through the blood of Baliol which we have already seen producing a temporary embarrassment upon the accession of Robert the Second in the year 1370.[2] Upon the acquisition by Angus of the forfeited estates of Douglas, the numerous and powerful vassals of that house immediately attached themselves to the fortunes of this rising favourite, whom the liberality of the king had already raised to a height of power almost as giddy and as dangerous as that from which his predecessor had been precipitated. Apparent, however, as were the dangerous consequences which might be anticipated from this policy, we must blame rather that miserable feudal constitution under which he lived than censure the monarch who was compelled to accommodate himself to its principles. The only weapons by which a feudal sovereign could overwhelm a noble whose strength menaced the crown, were to be found in the hands of his brethren of the aristocracy; and the only mode by which he could insure their co-operation in a struggle, which, as it involved in some degree an attack upon their own rights, must have excited their jealousy, was to permit them to share in the spoils of his forfeiture.

Some time previous to this conclusive defeat of Douglas, the parliament had again assembled at Edinburgh; when, at the desire of the king, they took into consideration the great subjects of the defence of the country, the regulations of the value of the current coin, the administration of justice, and the establishment of a set of rules, which are entitled, "concerning the governance of the pestilence;" a dreadful scourge, which now for the fifth time began to commit its ravages in the kingdom. Upon the first head, it was provided that all subjects of the realm possessed of lands or goods should be ready mounted and armed, according to the value of their property, to ride for the defence of the country the moment they received warning, either by sound of trumpet or lighting of the beacon; that all manner of men, between the ages of sixteen and sixty, should hasten to join the muster on the first intelligence of the approach of an English host, except they were in such extreme poverty as to be unable to furnish themselves with weapons. Every yeoman, however, worth twenty marks, was to furnish himself at the least with a jack and sleeves down to the wrist, or, if not thus equipped, with a pair of splents, a *sellat*,[3] or a prikit hat, a sword and buckler, and a bow and sheaf of arrows. If unskilled in archery, he was to have an axe and a targe, made either of leather or of fir, with two straps in the inside. Warning was to be given by the proper officers to the inhabitants of every county, that they provide themselves with these weapons, and attend the weapon-schawing, or armed muster, before the sheriffs, bailies, or stewards of regalities, on the morrow after the "lawe days after Christmas." The king, it was next declared, ought to make it a special request to some of the richest and most powerful barons, "that they make carts of war; and in each cart place two guns, each of which was to have two chambers, to be supplied with the proper warlike tackling, and to be furnished also with a cunning man to shoot them. And if," it was quaintly added, "they have no skill in the art of shooting with them at the time of passing the act, it is hoped that they will make themselves master

[1] The MS. Chronicle in the Library of the University of Edinburgh dates this conflict October 23, 1458.

[2] See supra, vol. i. pp. 326, 327. Duncan Stewart's Account of the Royal Family of Scotland, p. 62.

[3] A helmet, or headpiece for foot-soldiers.

of it before they are required to take the field against the enemy."[1]

With regard to the provisions for defence of the realm upon the Borders during the summer season, the three estates declared it to be their opinion that the Borderers did not require the same supplies which were thought necessary when the matter was first referred to the king, because this year they were more able to defend themselves than in any former season; first, it was observed they were better, and their enemies worse provided than before; secondly, they were certain of peace, at least on two Borders, till Candlemas. On the west Borders, it was remarked, the winter was seldom a time of distress, and the English would be as readily persuaded to agree to a special truce from Candlemas till "Wedderdais," as they now did till Candlemas; considering, also, that during this last summer the enemy have experienced great losses, costs, and labour in the war, and, as it is hoped, will have the same in summer, which is approaching. The English, it was said, had been put to far more labour and expense, and had suffered far greater losses in the war this last summer than the Scottish Borderers. It was therefore the opinion of the three estates that the Borderers should for the present be contented without overburdening the government by their demands; and if any great invasion was likely to come upon them, the parliament recommended that the midland barons should be ready to offer them immediate supplies and assistance.[2]

Upon the subject of the pestilence, the great object seems to have been to prevent contagion, by shutting up the inhabitants both of town and country, for a certain season, within their houses. The clergy, to whom the consideration of the most difficult matters of state policy appears to have been at this period invariably committed, were of opinion, in the words of the statute, "that no person, either dwelling in burgh or in the upland districts, who had provision enough to maintain himself and his followers or servants, should be expelled from his own house, unless he will either not remain in it," or may not be shut up in the same. And should he disobey his neighbours, and refuse to keep himself within his residence, he was to be compelled to remove from the town. Where, however, there were any people, neither rich enough to maintain themselves nor transport their families forth of the town, the citizens were directed to support them at their own expense, so that they did not wander away from the spot where they ought to remain, and carry infection through the kingdom, or "fyle the cuntre about thame." "And if any sick folk," it was observed, "who had been put forth from the town, were caught stealing away from the station where they had been shut up," the citizens were commanded to follow and bring them back again, punishing them for such conduct, and compelling them to remain in durance. It was directed by the same statute that no man should burn his neighbours' houses, meaning the mansions which had been deserted as infected, or in which the whole inhabitants had died, unless it could be done without injury to the adjoining healthy tenements; and the prelates were commanded to make general processions throughout their dioceses twice in the week, for the stanching of the pestilence, and "to grant pardon" (by which word possibly is meant indulgences) to the priests who exposed themselves by walking in these processions.[3]

With regard to the important subject of the money and coinage of the realm, it will be necessary to look back for a moment to the provisions of the parliament held at Stirling a few years before this period, which were then purposely omitted that the state of the coinage under this reign and the principles by which it was regulated might be brought under the eye in a connected series.

[1] Acts of the Parliament of Scotland, vol. ii. p. 45.

[2] Ibid. vol. ii. p. 45.

[3] Acts of the Parliament of Scotland, vol. ii. p. 46.

We find it first declared in a public paper, entitled, The Advisement of the Deputes of the Three Estates, touching the Matter of the Money, that on many accounts it was considered expedient there should be an issue of a new coinage, conforming in weight to the money of England. Out of the ounce of burnt or refined silver, or bullion, eight groats were to be coined, and smaller coins of half-groats, pennies, halfpennies, and farthings, of the same proportionate weight and fineness. The new groat was to have course for eightpence, the half-groat for fourpence, the penny for twopence, the halfpenny for one penny, and the farthing for a halfpenny. It was also directed that the English groat, of which eight groats contained one ounce of silver, should be reckoned of the value of eightpence the piece; that the English half-groat, agreeing in weight to the same, should be taken for fourpence; and that the English penny should only be received for such value as the receiver chooses to affix to it. From the time that this new groat was struck, and a day appointed for its issue, the groat now current was to descend in its value to fourpence, and the half-groat to twopence, till which time they were to retain the value of the new money. It was next directed by the parliament that there should be struck a new penny of gold, to be called "a lion," with the figure of a lion on the one side, and on the reverse the image of St Andrew, clothed in a side-coat reaching to his feet, which piece was to be of an equal weight with the half English noble, otherwise it should not be received in exchange by any person,—the value of which lion, from the time it was received into currency, was to be six shillings and eightpence of the new coinage, and the half-lion three shillings and fourpence. After the issue of the new coinage, the piece called the demy, which, it was declared, had now a current value of nine shillings, was to be received only for six shillings and eightpence, and the half-demy for three shillings and fourpence.[1]

The master of the mint was made responsible for all gold and silver struck under his authority, until the warden had taken assay of it, and put it in his store; nor was any man to be obliged to receive this money should it be reduced by clipping; the same master having full power to select, and to punish for any misdemeanour, the coiners and strikers who worked under him, and who were by no means to be goldsmiths by profession, if any others could be procured.[2]

Such were the regulations regarding the current money of Scotland, which were passed by the Scottish parliament in 1451; but it appears that, in the interval between this period and the present year, 1456, the value affixed to the various coins above mentioned, including those of foreign countries as well as the new issue of lions, groats, and half-groats, had been found to be too low; so that the merchants and traders discovering that there was actually more bullion in the money than the statutory value fixed by parliament, kept it up and made it an article of export. That such was the case, appears evident from the expressions used by the parliament of 1456 with regard to the pieces called demys, the value of which we have seen fixed in 1451 at six shillings and eightpence. "And to the intent," it was remarked, "that the demys which are kept in hand should 'come out,' and have course through the realm, and remain within it, instead of being carried out of it, the parliament judged it expe-

[1] The exact value of the foreign coins then current in Scotland was fixed at the same time: the French real being fixed at six shillings and eightpence; the salute, which is of the same weight as the new lion, at the same rate of six shillings and eightpence; the French crown, now current in France, having on each side of the shield a crowned fleur-de-lys, the Dauphin's crown, and the Flemish ridar, are in like manner to be estimated at the same value as the new lion. The English noble was fixed at thirteen shillings and fourpence; the half-noble at six shillings and eightpence; the Flemish noble at twelve shillings and eightpence; and all the other kind of gold not included in the established currency was to have its value according to the agreement of the buyer and seller.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 39, 40.

dient that the demy be cried to ten shillings." Upon the same principle, and to prevent the same occurrence, which was evidently viewed with alarm by the financiers of this period, a corresponding increase of the value of the other current coins, both of foreign countries and of home coinage, above that given them in 1451, was fixed by the parliament of 1456. Thus, the Henry English noble was fixed at twenty-two shillings; the French crown, Dauphin's crown, salute, and Flemish ridars, which had been fixed at six shillings and eightpence, were raised, in 1456, to eleven shillings; the new lion, from its first value of six shillings and eightpence, was raised to ten shillings; the new groat from eightpence to twelvepence; the half-groat from fourpence to sixpence. In conclusion, the lords and auditors of the exchequer were directed by the same parliament to examine with the utmost care, and make trial of the purity of the gold and silver, which was presented by the warden of the mint.[1]

It was provided that, in time of fairs and public markets, none of the king's officers were to take distress, or levy any tax, upon the goods and wares of so small a value and bulk as to be carried to the fair either on men's backs, in their arms, or on barrows and sledges. On the other hand, where the merchandise was of such value and quantity, that it might be exposed for sale in great stalls, or in covered "*cramys*" or booths, which occupied room in the fair, a temporary tax was allowed to be levied upon the proprietors of these, which, however, was directed to be restored to the merchant at the court of the fair, provided he had committed no trespass, nor excited any disturbance during its continuance.[2] The enactments of this parliament upon the subject of the administration of justice, were so completely altered or modified in a subsequent meeting of the estates, that at present it seems unnecessary to advert to them.

[1] Acts of the Parliament of Scotland, vol. ii. p. 46.

[2] Ibid. vol. ii. p. 47.

In the meanwhile the condition of the kingdom evidently improved, fostered by the care of the sovereign, whose talents, of no inferior order, were daily advancing into the strength and maturity of manhood. Awake to the infinite superiority of intellect in the clergy over the warlike but rude and uninformed body of his nobles, it was the wise policy of James to select from them his chief ministers, employing them in his foreign negotiations and the internal administration of the kingdom, as far as it was possible to do so, without exciting resentment in the great class of his feudal barons. It was the consequence of this system that a happy understanding and a feeling of mutual affection and support existed between the monarch and this numerous and influential class, so that, whilst the king maintained them in their independence, they supported him in his prerogative. Thus, at a provincial council which was convoked at Perth, where Thomas, bishop of Aberdeen, presided as *conservator statutorum*, it was declared, in opposition to the doctrine so strenuously insisted on by the Holy See, that the king had an undoubted right, by the ancient law and custom of Scotland, to the ecclesiastical patronage of the kingdom, by which it belonged to him to present to all benefices during the vacancy of the see. Whilst James, however, was thus firm in the assertion of those rights which he believed to be the unalienable property of the crown, he was careful to profess the greatest reverence in all spiritual matters for the authority of the Holy See; and on the accession of Pius the Second, the celebrated Æneas Sylvius, to the Papal crown, he appointed commissioners to proceed to Rome, and perform his usual homage to the sovereign pontiff.[3]

It was about this same time that the crown received a valuable addition to its political strength, in the annexation of the earldom of Mar to the royal domains. Since the period of the failure of the heir-male in 1435, in the person of Alexander Stewart,

[3] Mag. Sig. v. 82.

natural son of the Earl of Buchan, brother of Robert the Third, this wide and wealthy earldom had been made the subject of litigation, being claimed by the crown, as *ultimus hæres*, by Robert, lord Erskine, the descendant of Lady Ellen Mar, sister of Donald, twelfth earl of Mar, and by Sir Robert Lyle of Duchal, who asserted his descent from a co-heiress. There can be no doubt that the claim of Erskine was just and legal. So completely, indeed, had this been established, that in 1438 he had been served heir to Isabel, countess of Mar; and in the due course of law, he assumed the title of Earl of Mar, and exercised the rights attached to this dignity. In consequence, however, of the act of the legislature already alluded to, which declared that no lands belonging to the king should be disposed of previous to his majority, without consent of the three estates, the earl was prevented from attaining possession of his undoubted right; and now, that no such plea could be maintained, an assize of error was assembled in presence of the king, and, by a verdict, which appears flagrantly unjust, founded upon perversions of the facts and misconstructions of the ancient law of the country, the service of the jury was reduced; and the earldom being wrested from the hands of its hereditary lord, was declared to have devolved upon the king. The transaction, in which the rights of a private individual were sacrificed to the desire of aggrandising the crown, casts a severe reflection upon the character of the king and his ministers, and reminds us too strongly of his father's conduct in appropriating the earldom of March. It was fortunate, however, for the monarch, that the house of Erskine was distinguished as much by private virtue as by hereditary loyalty; and that, although not insensible to the injustice with which they had been treated, they were willing rather to submit to the wrong than endanger the country by redressing it. In the meantime, James, apparently unvisited by any compunction, settled the noble territory which he had thus acquired upon his third son, John, whom he created Earl of Mar.[1]

Soon after this, the clemency of the monarch was implored by one who, from the course of his former life, could scarcely expect that it should be extended in his favour. John, lord of the Isles and earl of Ross, a baron from his early years familiar with rebellion, and whose coalition with the Earls of Crawford and Douglas had, on a former occasion, almost shook the throne, being weakened by the death of Crawford, and the utter defeat of Douglas, became alarmed for the fate which might soon overtake him, and, by a submissive message, entreated the royal forgiveness, offering, as far as it was still left to him, to repair the wrongs he had inflicted. To this communication the offended monarch at first refused to listen; because the suppliant, like Crawford, had not in person submitted himself unconditionally to his kingly clemency; but after a short time, James relented from the sternness of his resolution, and consented to extend to the humbled chief a period of probation, within which, if he should evince the reality of his repentance by some notable exploit, he was to be absolved from all the consequences of his rebellion, and reinstated in the royal favour. What notable service was performed by Ross history has not recorded; but his presence, three years subsequent to this, at the siege of Roxburgh, and his quiescence during the interval, entitle us to presume that he was restored to the royal favour.

The aspect of affairs in England was now favourable to peace, and Henry the Sixth, with whom the Scottish monarch had always cultivated a friendly intercourse, having proposed a prolongation of the truce by letters transmitted under the privy seal, James immediately acceded to his wishes. A desire for the tranquillity of his kingdom, an earnest wish to be united in the bonds of charity and love with all Christian princes, and a reverent obedience to the admonitions

[1] Sutherland Case, by Lord Hailes, chap. v. p. 50.

of the Pope, exhorting to peace with all the faithful followers of Christ, and to a strict union against the Turks and infidels, who were the enemies of the Catholic faith, were enumerated by the king as the motives by which he was actuated to extend the truce with England for the further space of four years,[1] from the 6th of July 1459, when the present truce terminated. Having thus provided for his security for a considerable period upon the side of England, James devoted his attention to the foreign political relations of his kingdom. An advantageous treaty was concluded by his ambassadors with John, king of Castile and Leon. The same statesmen to whom this negotiation was intrusted were empowered to proceed to Denmark, and adjust the differences between Scotland and the northern potentate upon the subject of the arrears due for the Western Isles and the kingdom of Man; whilst a representation was made at the same time to Charles the Seventh of France, the faithful ally of Scotland, that the period was now long past when the Scottish crown ought to have received delivery of the earldom of Xaintonge and lordship of Rochfort, which were stipulated to be conveyed to it in the marriage treaty between the Princess Margaret, daughter of James the First, and Lewis, the Dauphin of France. It appears by a subsequent record of a parliament of James the Third that the French monarch had agreed to the demand, and put James in possession of the earldom.[2]

It is impossible to understand the causes, or to trace clearly the consequences of the events which at this period occurred in Scotland without a careful attention to the political condition of the sister country, then torn by the commencement of the fatal contest between the houses of York and Lancaster. In the year 1459 a struggle had taken place amongst these fierce competitors for the possession of supreme power, which terminated in favour of Henry the Sixth, who expelled from the kingdom his enemy, the Duke of York, with whom the Earl of Douglas, on his first flight from Scotland, had entered into the strictest friendship. Previous to this, however, the Scottish renegade baron, ever versatile and selfish, observing the sinking fortunes of York, had embraced the service of the house of Lancaster, and obtained a renewal of his English pension as a reward from Henry for his assistance against his late ally of York. James at the same time, and prior to the flight of York to Ireland, had despatched an embassy to Henry for the purpose of conferring with him upon certain "secret matters," which of course it is vain to look for in the instructions delivered to the ambassadors; but Lesley, a historian of respectable authority, informs us that, at a mutual conference between the English and Scottish commissioners, a treaty was concluded, by which Henry, in return for the assistance to be given him by the Scottish king, agreed to make over to him the county of Northumberland, along with Durham and some neighbouring districts, which in former times it is well known had been the property of the Scottish crown.[3] We are not to be astonished that the English ambassadors, the Bishop of Durham, and Beaumont, great-chamberlain of England, should have been required to keep those stipulations concealed which, had they transpired, must have rendered Henry's government so highly unpopular; and it may be remarked that this secret treaty, which arose naturally out of the prior political connexions between James and Henry, explains the causes of the rupture of the truce, and the subsequent invasion of England by the Scottish monarch, an event which, as it appears in the narrative of our popular historians, is involved in much obscurity.

In consequence of this secret agreement, and irritated by the disturbances which the Duke of York and his adherents, in contempt of the existing truce, perpetually excited upon the

[1] Rymer's Fœdera, vol. xi. p. 407.

[2] Acts of the Parliament of Scotland, vol. ii. p. 104.

[3] Lesley, History of Scotland, p. 29.

Scottish Borders, James, in the month of August 1459, assembled a formidable army, which, including camp followers and attendants, composing nearly one-half of the whole, mustered sixty thousand strong. With this force he broke into England, and in the short space of a week won and destroyed seventeen towers and castles, ravaging Northumberland with fire and sword, pushing forward to Durham, and wasting the neighbouring territories with that indiscriminate havoc which, making little distinction between Yorkists or Lancastrians, threatened to injure rather than to assist the government of his ally the English king.[1] Alarmed, accordingly, at this desolating progress, Henry despatched a messenger to the Scottish camp, who in an interview with the monarch explained to him that the disturbances which had excited his resentment originated solely in the insolence of the Yorkists; but that he trusted to be able to put down his enemies within a short period without calling upon his faithful ally for that assistance which, if his affairs were less prosperous, he would willingly receive. In the meantime he besought him to cease from that invasion of his dominions, in which, however unwillingly, his friends as well as his foes were exposed to plunder, and to draw back his army once more into his own kingdom. To this demand James readily assented, and after a brief stay in England recrossed the Borders, and brought his expedition to a conclusion.[2]

Immediately after his retreat an English army, of which the principal leaders were the Duke of York and the Earl of Salisbury, and which included various barons of both factions, approached the Scottish marches, but the meditated invasion was interrupted by the dissensions amongst the leaders, and a host consisting of more than forty thousand men fell to pieces, and dispersed without performing anything of consequence.[3] To account for so singular an occurrence, it must be recollected that at this moment a temporary and hollow agreement had been concluded between the Lancastrians and the Yorkists, in which, under the outward appearance of amity, the causes of mortal dissension were working as deeply as before,[4] so that, whilst it was natural to find the two factions attempting to coalesce for the purpose of inflicting vengeance upon the Scots, it was equally to be expected that the king and the Lancastrians, who now possessed the supreme power, should be little inclined to carry matters to extremities. A few months, however, once more saw England involved in the misery of civil war, and although Henry was totally defeated by the Earl of Salisbury, who commanded the Yorkists in the battle of Bloreheath, yet his fortunes seemed again to revive upon the desertion of the Duke of York by his army at Ludford Field; and James, rejoicing in the success of his ally, immediately despatched his ambassadors, the Bishops of Glasgow and Aberdeen, with the Abbots of Holyrood, Melrose, and Dunfermline, and the Lords Livingston and Avendale, to meet with the commissioners of England, confirm the truces between the kingdoms, and congratulate the English monarch on his successes against his enemies.

But short was the triumph of the unfortunate Henry, and within the course of a single month the decisive victory gained by the Duke of York and the Earl of Warwick at Northampton at once destroyed the hopes of his party, reduced himself to the state of a captive in the hands of his implacable enemies, and saw his queen and the prince, his son, compelled to seek a retreat in Scotland. It was now time for James seriously to exert himself in favour of his ally, and the assistance which, under a more favourable aspect of his fortunes, had been deprecated, was now anxiously implored. Nor was the Scottish monarch insensible to the entreaty, or slow to answer the call. He received the fugi-

[1] Auchinleck Chronicle, p. 57.
[2] Extracta ex MS. Chronicis Scotiæ, fol. 289, r.
[3] Auchinleck Chronicle, p. 57.
[4] Carte, Hist. of England, vol. ii. pp. 750, 751.

tive queen and the youthful prince with much affection, assigned them a residence and allowance suitable to their rank; and having issued his writs for the assembly of his vassals, and commanded the Earl of Huntly, his lieutenant-general, to superintend the organising of the troops, he determined upon an immediate invasion of England. Previous, however, to this great expedition, which ended so fatally for the king, there had been a meeting of the three estates, which lasted for a considerable period, and from whose united wisdom and experience proceeded a series of regulations which relate almost to every branch of the civil government of the country. To these, which present an interesting picture of Scotland in the fifteenth century, even in the short sketch to which the historian must confine himself, we now for a few moments direct our attention.

The first subject which came before parliament is entitled concerning the "article of the session," and related to the formation of committees of parliament for the administration of justice. It was directed that the Lords of the Session should sit three times in the year, for forty days at a time, in Edinburgh, Perth, and Aberdeen; and that the court or committee which was to sit should be composed of nine judges, who were to have votes in the decision of causes, three being chosen from each estate, along with the clerk of the register. Their first sitting was directed to begin at Aberdeen on the 15th of June, and continue thenceforward for forty days; the second session was to commence at Perth on the 5th of October, and the third at Edinburgh on the 13th of February. The names of the persons to be selected from the clergy, the barons, and the burghers, as the different members of the session, were then particularly enumerated for the three several periods; and the sheriff was directed to be ready to receive them on their entry into the town, and undergo such trouble or charges as might be found necessary. In a succeeding statute, however, it was observed that, considering the shortness of the period for which the Lords of Session are to hold their court, and the probability that they will not be called upon to undertake such a duty more than once every seven years, they ought, out of their benevolence, to pay their own costs; and upon the conclusion of the three yearly sessions the king and his council promise to select other lords from the three estates, who should sit in the same manner as the first, at such places as were most convenient.[1]

The next subject to which the parliament directed their attention, regarded the defence of the country and the arming of the lieges. "Wapinschawings," or musters, in which the whole disposable force of a district assembled for their exercise in arms, and the inspection of their weapons, were directed to be held by the lords and barons, spiritual as well as temporal, four times in the year. The games of the football and the golf were to be utterly abolished. Care was to be taken that adjoining to each parish church a pair of butts should be made, where shooting was to be practised every Sunday: every man was to shoot six shots at the least; and if any person refused to attend, he was to be found liable in a fine of twopence, to be given to those who came to the bow-marks, or "wapinschawings," for drink money. This mode of instruction was to be used from Pasch to Allhallowmas; so that by the next midsummer it was expected that all persons would be ready, thus instructed and accoutred. In every head town of the shire there were to be a good bow-maker, and "a fledger" or arrow-maker. These tradesmen were to be furnished by the town with the materials for their trade, according as they might require them; and if the parish was large, according to its size, there were to be three or four or five bow-marks set up; so that every man within the parish, who was within fifty, and past twelve years of age, should be furnished with his weapons, and practise shooting; whilst

[1] Acts of the Parliament of Scotland, vol. ii. p. 48.

those men above this age, or past threescore, were directed to amuse themselves with such honest games[1] as were best adapted to their time of life, excepting always the golf and football.

There followed a minute and interesting sumptuary law, relative to the impoverishment of the realm by the sumptuous apparel of men and women; which, as presenting a vivid picture of the dresses of the times, I shall give as nearly as possible in the words of the original. It will perhaps be recollected, that in a parliament of James the First, held in the year 1429,[2] the same subject had attracted the attention of the legislature; and the present necessity of a revision of the laws against immoderate costliness in apparel, indicates an increasing wealth and prosperity in the country. "Seeing," it declared, "that each estate has been greatly impoverished through the sumptuous clothing of men and women, especially within the burghs, and amongst the commonality 'to landwart,' the lords thought it speedful that restriction of such vanity should be made in this manner. First, no man within burgh that lived by merchandise, except he be a person of dignity, as one of the aldermen or bailies, or other good worthy men of the council of the town, should either himself wear, or allow his wife to wear, clothes of silk, or costly scarlet gowns, or furring of mertricks;" and all were directed to take especial care "to make their wives and daughters to be habited in a manner correspondent to their estate; that is to say, on their heads short curches, with little hoods, such as are used in Flanders, England, and other countries; and as to the gowns, no woman should wear mertricks or letvis, or tails of unbefitting length, nor trimmed with furs, except on holydays."[3] At the same time, it was ordered, "that poor gentlemen living in the country, whose property was within forty pounds, of old extent, should regulate their dress according to the same standard; whilst amongst the lower classes, no labourers or husbandmen were to wear, on their work-days, any other stuff than gray or white cloth, and on holydays, light blue, green, or red—their wives dressing correspondently, and using curches of their own making. The stuff they wore was not to exceed the price of fortypence the ell. No woman was to come to the kirk or market with her face 'mussalit,' or covered, so that she might not be known, under the penalty of forfeiting the curch. And as to the clerks, no one was to wear gowns of scarlet, or furring of mertricks, unless he were a dignified officer in a cathedral or college-church, or a nobleman or doctor, or a persor having an income of two hundred marks. These orders touching the dresses of the community, were to be immediately published throughout the country, and carried into peremptory and rigorous execution."[4]

Other regulations of the same parliament are worthy of notice; some of them evincing a slight approach towards liberty, in an attention to the interests of the middle and lower classes of the people, and a desire to get loose of the grievous shackles imposed by the feudal system upon many of the most important branches of national prosperity; others, on the contrary, imposing restrictions upon trade and manufactures, in that spirit of legislative interference which, for many ages after this, retarded commercial progress, and formed a blot upon the statute book of this country, as well as of England. With regard to "feu-farms," and their leases, it was thought expedient by the parliament that the king should begin and set a good example to the rest of his barons, so that if any estate happened to be in "ward," in the hands of the crown, upon which leases had been granted, the tenants in such farms should not be removed, but remain upon the land, paying to the king the rent which had been stipulated during the cur-

[1] See supra, p. 56.

[2] See supra, p. 77.

[3] Acts of the Parliament of Scotland, vol. ii. p. 49. The word *letvis* is obscure.

[4] Acts of the Parliament of Scotland, vol ii. p. 49.

rency of the lease; and, in like manner, where any prelate, baron, or freeholder, wished to set either the whole or a part of his land in "feu-farm," the king was to be obliged to ratify such "assedations," or leases. With regard to "regalities," and the privileges connected with them, a grievance essentially arising out of the feudal system, it was declared that all rights and freedoms belonging to them should be interpreted by the strictest law, and preserved, according to the letter of their founding charter; and that any lord of regality who abused his privileges, to the breaking of the king's laws and the injury of the country, should be rigorously punished.[1]

In the same parliament it was made a subject of earnest request to the king that he would take into consideration the great miseries inflicted upon men of every condition, but especially upon his poor commons, by the manner of holding his itinerant chamberlain courts; and that, with the advice of his three estates now assembled, some speedy remedy might be provided. Another heavy grievance, removed at this time, was a practice which prevailed during the sitting of parliament, and of the session, by which the king's constables, and other officers, were permitted to levy a tax upon the merchants and tradesmen who then brought their goods to market, encouraged by the greater demand for their commodities. This was declared henceforth illegal, unless the right of exaction belonged to the constable "of fee," for which he must shew his charter.[2] An attempt was made in the same parliament to abolish that custom of entering into "bands or leagues," of which we have seen so many pernicious consequences in the course of this history. It was declared, that "within the burghs throughout the realm no bands or leagues were to be permitted, and no rising or commotion amongst the commons, with the object of hindering the execution of the common law of the realm, unless at the express commandment of their head officers;" and that no persons who dwelt within burghs should either enter into "manrent," or ride, or "rout" in warlike apparel, with any leader except the king, or his officers, or the lord of the burgh within which they dwelt, under the penalty of forfeiting their lives and having their goods confiscated to the king.[3]

With regard to those lawless and desperate, or, as they are termed in the act, "masterful persons, who did not scruple to seize other men's lands by force of arms, and detain them from their owners," application was directed to be instantly made to the sheriff, who, under pain of being dismissed from his office, was to proceed to the spot and expel such occupants from the ground, or, on their refusal, commit them to the king's ward; a service easily prescribed by the wisdom of the three estates, but, as they were probably well aware, not to be carried into execution except at the peril of the life of the officer to whom it was intrusted. All persons of every degree, barons, lords spiritual, or simple freeholders, were enjoined, when they attended the justice-ayres or sheriff courts, to come in sober and quiet manner, with no more attendants than composed their daily household, and taking care that on entering their inn or lodging, they laid their harness and warlike weapons aside, using for the time nothing but their knives; and where any persons at deadly feud should happen to meet at such assemblies, the sheriff was directed to take pledges from both, binding them to keep the peace; whilst, for the better regulation of the country at the period when justice-ayres were held, and in consequence of the great and mixed multitude which was then collected together, the king's justice was commanded to search for and apprehend all masterful beggars, all idle sornars, all itinerant bards and feigned fools, and either to banish them from the country, or commit them to the com-

[1] Acts of the Parliament of Scotland, vol. ii. p. 49.

[2] Ibid. vol. ii. p. 50.

[3] Acts of the Parliament of Scotland, vol. ii. p. 50.

mon prison. Lit, or dye, was to be "*cried up*," and no litstar or dyer was to follow the trade of a draper, or to be permitted to buy or sell cloth; whilst regarding the estate of merchandise, and for the purpose of restricting the multitude of "sailors," it was the unanimous opinion of the clergy, the barons, and the king, that no person should be allowed to sail or trade in ships but such as were of good reputation and ability; that they should have at the least three serplaiths of their own goods, or the same intrusted to them; and that those who traded by sea in merchandise ought to be freemen and indwellers within burghs.[1]

In the same parliament some striking regulations are met with regarding the encouragement extended to agriculture, and the state of the woods and forests throughout the country. Every man possessed of a plough and of eight oxen was commanded to sow, at the least, each year, a firlot of wheat, half a firlot of pease, and forty beans, under the penalty of ten shillings to the baron of the land where he dwelt, as often as he was found in fault; and if the baron sowed not the same proportions of grain, pease, and beans, in his own domains, he was to pay ten shillings to the king for his own offence, and forty shillings if he neglected to levy the statutory penalty against his husbandmen. The disappearance of the wood of Scotland under the reign of James the First, and the attention of the legislature to this subject, have already been noticed.[2] It appears from one of the provisions of this parliament, held by his successor, that some anxiety upon this subject was still entertained by the legislature; for we find it declared that, "regarding the plantation of woods and hedges, and the sowing of broom, the lords thought it advisable that the king should advise all his freeholders, both spiritual and temporal, to make it a provision in their Whitsunday's lease that all tenants should plant woods and trees, make hedges, and sow broom, in places best adapted, according to the nature of the farm, under a penalty to be fixed by the proprietor; and that care should be taken that the enclosures and hedges were not constructed of dry stakes driven into the ground, and wattled, or of dry worked or planed boards, but of living trees, which might grow and be plentiful in the land."[3]

With regard to the preservation of such birds and wild fowls as "are gainful for the sustentation of man," namely, partridge, plover, wild-ducks, and suchlike, it was declared that no one should destroy their nests or their eggs, or slay them in moulting time when unable to fly; and that, on the contrary, all manner of persons should be encouraged, by every method that could be devised, utterly to extirpate all "fowls of reiff," such as erns, buzzards, gleds, mytalls, rooks, crows, wherever they might be found to build and harbour; "for," say the three estates, "the slaughter of these will cause the multiplication of great multitudes of divers kinds of wild fowls for man's sustentation." In the same spirit, red-fish, meaning salmon and grilse, were forbidden to be taken in close time under a fine of forty pounds; and no manner of vessel, creel, or other contrivance, was to be used for the purpose of intercepting the spawn or smelt in their passage to the sea, under the like penalty.

Touching the destruction of the wolf, it was enjoined by the parliament that where such animals were known to haunt, the sheriff, or the bailies of the district, should assemble the population three times in the year, between St Mark's day and Lammas, which is the time of the whelps; and whoever refused to attend the muster should be fined a wedder, as is contained in the old act of James the First on this subject. He who slew a wolf was to be entitled to a penny from every household in the parish where it was killed, upon bringing the head to the sheriff; and if he brought the head of a fox, he was to receive sixpence from

[1] Acts of the Parliament of Scotland, vol. ii. p. 49.

[2] See supra, p. 61.

[3] Acts of the Parliament of Scotland, vol. ii. p. 51.

the same officer. The well-known enactment passed in the reign of James the First, against leasing-making, or the crime of disseminating false reports, by which discord might be created between the king and his subjects, was confirmed in its full extent; and the statutes of the same prince regarding the non-attendance of freeholders in parliament whose holding was under forty pounds; the use of one invariable "measure" throughout the realm; the restriction of "muir burning" after the month of March, till the corn had been cut down; and the publication of the acts of the legislature, by copies given to the sheriffs and commissaries of burghs, which were to be openly proclaimed and read throughout their counties and communities, were repeated, and declared to be maintained in full force.

The enactments of the parliament concluded by an affectionate exhortation and prayer, which it would injure to give in any words but its own: "Since," it declared, "God of His grace had sent our sovereign lord such progress and prosperity, that all his rebels and breakers of justice were removed out of his realm, and no potent or masterful party remained there to cause any disturbance, provided his highness was inclined himself to promote the peace and common profit of the realm, and to see equal justice distributed amongst his subjects; his three estates, with all humility, exhorted and required his highness so diligently to devote himself to the execution of these acts and statutes above written, that God may be pleased with him, and that all his subjects may address their prayers for him to God, and give thanks to their heavenly Father, for His goodness in sending them such a prince to be their governor and defender."[1] Such was the solemn conclusion of the last parliament of James of which any material record has been preserved; for, although we have certain evidence of three meetings of the great council of the nation subsequent to this, the fact is only established by insulated charters, which convey no information of their particular proceedings. The peroration is affectionate, but marked, also, with a tone of honest freedom approaching to remonstrance. It might almost lead us to suspect that James's late unjustifiable proceedings, regarding the earldom of Mar, had occasioned some unquiet surmisings in the minds of his nobility, that he possibly intended to use the excuse afforded him by the reiterated rebellion of the Douglases to imitate the designs of his father, and to attempt to complete the scheme for the suppression of the aristocracy of the kingdom, which had cost that monarch his life.

In the meantime, however, the king assembled his army. An acute writer has pronounced it difficult to discover the pretences or causes which induced James to infringe the truce;[2] but we have only to look to the captivity of Henry the Sixth, the triumph of the Yorkists in the battle of Northampton, and the subsequent flight of the Queen of England to the Scottish court, to account satisfactorily for the invasion. James was bound, both by his personal friendship and connexion with Henry, by a secret treaty, already alluded to, and by his political relations with France, the ally of the house of Lancaster, to exert himself for its restoration to the throne; and it has already been shewn that, by the articles of the treaty, his assistance was not to go unrewarded. As long, however, as Henry and his energetic queen had the prospect of reducing the opposition of the house of York, and, by their unassisted efforts, securing a triumph over their enemies, the invasion of the Scottish monarch would have detracted from the popularity of their party, and thrown an air of odium even over their success; but now that the king was a captive in the hands of his enemies, and his queen a fugitive in a foreign land, the assistance of James, and the fulfilment of the stipulations of the treaty, were

[1] Acts of the Parliament of Scotland, vol. ii. p. 52.

[2] Pinkerton, Hist. of Scotland, vol. i. p. 242.

anxiously required. The only key to the complicated understanding of the transactions of Scotland during the wars of the Two Roses, is to recollect that the hostilities of James were directed, not against England, but against the successes of the house of York.

Since the calamitous battle of Durham, and the captivity of David the Second, a period embracing upwards of a hundred years, the important frontier fortress of Roxburgh had been in the possession of England. It was now commanded by Neville, lord Fauconberg,[1] a connexion of the Earl of Warwick, the principal supporter of the cause of the Yorkists, and James determined to commence his campaign by besieging it in person. On being joined, accordingly, by the Earl of Huntly, his lieutenant-general, and the Earl of Angus, who had risen into great estimation with his sovereign from the cordial assistance which he had given in the suppression of the rebellion of Douglas, the king proceeded across the Borders, at the head of an army which was probably superior in numbers to that which he had lately conducted against England. He was joined also by the Earl of Ross, to whom we have seen that he had extended a conditional pardon, and who, eager to prove himself worthy of an entire restoration to the royal favour, came to the camp with a powerful body of his fierce and warlike vassals.[2] The siege was now opened, but it was destined to receive a sudden and melancholy interruption. The king, who had carried along with the army some of those rude pieces of ordnance which began now to be employed in Scottish war,[3] proceeded, in company with the Earl of Angus, and others of his nobility, to examine a battery which had begun to play upon the town. Of the cannon which composed it, one was a great gun of Flemish manufacture, which had been purchased by James the First, but little employed during his pacific reign. It was constructed of longitudinal bars of iron, fixed with iron hoops, which were made tight in a very rude manner, by strong oaken wedges. This piece, from the ignorance of the engineer, had been overcharged, and as the king stood near, intently observing the direction of the guns, it unfortunately exploded, and struck the monarch with one of its massy wooden wedges in the body. The blow was followed by instant death,[4] having fallen upon the mortal region of the groin, and broken the thigh; whilst the Earl of Angus, who stood near, was severely wounded by the same fragment.[5]

An event so lamentable, which cut off their prince in the sight of his army, whilst he was yet in the flower of his strength, and in the very entrance of manhood, was accompanied by universal regret and sorrow; and, perhaps, there is no more decisive proof of the affection with which the nobility were disposed to regard the monarch, thus untimely snatched from them, than the first step which they adopted, in despatching a message to the court, requiring the immediate attendance of the queen, with a strict injunction to bring her eldest son, the prince, now king, along with her.[6] Nor was the queen-mother, although overpowered by the intelligence of her husband's death, of a character which, in the over-indulgence of feminine

[1] Ayloffe's Calendars of Ancient Charters, p. 281.

[2] The Auchinleck Chronicle, p. 57, says, "The yer of God, 1460, the thrid Sunday of August, King James the Secund, with ane gret oist, was at the sege of Roxburgh."

[3] Barbour, p. 392, informs us, that at the skirmish on the Were, in 1327, the Scots observed two marvellous things in the English army, which were entirely new to them:—

"Tymmeris for helmys war the tane,
The tothyr crakys were of weir."

These "crakys of weir" were in all probability the first attempts to use cannon; but although Froissart asserts that, in Scotland, guns were used at the siege of Stirling, in 1339, the fact is exceedingly doubtful.

[4] MS. Extracta ex Chronicis Scotiæ, f. 289. "Casus iste de morte regis si dici potest, longo ante, ut fertur, preostensa est regi, per quendan Johannem Tempelman, qui fuit pater Domini Willmi Tempelman, Superioris Monasterii de Cambuskenneth, qui dum gregem in Montibus Ochillis." Here the manuscript abruptly breaks off without concluding the tale of wonder.

[5] Lesley, Hist. p. 31.

[6] Auchinleck Chronicle, p. 57.

sorrow, was likely to forget the great duties which she owed to her son. Attended by a small suite, in which were some of the prelates who formed the wisest counsellors of the deceased monarch, she travelled night and day to Roxburgh, and soon presented herself in the midst of the army, clothed in her weeds, and holding in her hand the little prince, then a boy of only eight years of age, whom, with tears, she introduced to them as their king. The sight was well calculated to arouse to a high pitch the feelings of loyalty and devotedness; and availing herself of the enthusiasm of the moment, she with a magnanimity and vigour which did her honour, besought the nobles to continue the siege, and earnestly deprecated the idea of breaking up the leaguer, or disbanding the army, before they had made themselves masters of a fortress, the possession of which was of the first importance to Scotland. Heart-broken as she was with the loss of her beloved lord, she would rather celebrate his obsequies, she said, by the accomplishment of a victory which he had so much at heart, than waste the time in vain regrets and empty lamentations. And such was the effect of her appeal, that the leaders of the army, and the soldiers themselves, catching the ardour with which she was animated, instantly recommenced the attack, and, pressing the assault with the most determined fury, carried the castle by storm, on the very day of her arrival in the camp.[1]

It must be recollected that James had not completed his thirtieth year when he met his death in this untimely manner; and of course the greater portion of his life and reign was occupied by a minority, during which the nation was in that state of internal disorganisation so lamentably frequent where such an event occurs under a feudal government. Taking this into consideration, we need not hesitate to pronounce him a prince of unusual vigour and capacity; and perhaps the eulogium of Buchanan, no obsequious granter of praise to kings, is one of the strongest proofs of this assertion. His wisdom in the internal administration of his kingdom was conspicuously marked by the frequency with which he assembled his parliament, and by a series of zealous and anxious, if not always enlightened, laws for the regulation of the commerce, and the encouragement of the agriculture of the country, for the organisation of the judicial departments, and the protection of the middling and lower classes of his subjects, whether farmers, artisans, or merchants. His genius in war was not exhibited in any great military triumphs, for he was cut off in the outset of his career; but the success with which he put down, by force of arms, the repeated rebellions of some of the most powerful of his nobility; the attention which he paid to the arming of his subjects, and the encouragement of warlike exercises amongst the people; his directions to his higher nobles to devote themselves to the study of artillery and the construction of cannon; and the ardour with which he appears to have engaged in his first war with England, although it does not justify the hyperbolical panegyric of Abercromby and Johnson, entitles us to believe, that in a military contest with England, the national honour would not have been sullied in his hands. It is not improbable, however, that, had he lived a little longer, his maturer wisdom and experience would have considered even a successful war, which was not undertaken for the purposes of national defence, a severe calamity, rather than a subject of glory or congratulation.

His policy of employing the most able and enlightened amongst the clergy as his chief ministers, to whom he intrusted his foreign negotiations, as well as the chief offices in the judicial and financial departments of the government, was borrowed from the example of his father, but improved upon, and more exclusively followed by the wisdom of the son; whilst his discrimination in selecting for the military enterprises in which he was

[1] Lesley, Hist. p. 32.

engaged, such able commanders as Huntly and Angus, and that judicious union of firmness and lenity by which he ultimately disarmed of their enmity, and attached to his interest, such fierce spirits as the Earl of Crawford and the Lord of the Isles, do equal honour to the soundness of his judgment, and to the kindly feelings of his heart. That he was naturally of a violent and ungovernable temper, the unjustifiable assassination of Douglas too lamentably demonstrated; but the catastrophe appears to have made the deepest impression upon a youthful mind which, though keen, was of an affectionate temperament fitted to feel deeply the revulsion of remorse; and the future lenity of a reign fertile in rebellion, is to be traced perhaps to the consequences of his crime, and the lessons taught him by his repentance.

In estimating his character, another subject for praise is to be found in the skill with which he divided into separate factions an aristocracy which, under any general or permanent combination, would have been far too powerful for the crown; in the art by which he held out to them the prospect of rising upon the ruins of their associates in rebellion, and, by a judicious distribution of the estates and the dignities which were set afloat by treason, induced them to destroy, or at least to weaken and neutralise the strength of each other. This policy, under the management of such able ministers as Kennedy and Crichton, was his chief instrument in carrying to a successful conclusion one of his most prominent enterprises, the destruction of the immense and overgrown power of the house of Douglas, an event which is in itself sufficient to mark his reign as an important era in the history of the country.

The person of this prince was robust, and well adapted for those warlike and knightly exercises in which he is said to have excelled. His countenance was mild and intelligent, but deformed by a large red mark on the cheek, which has given him, amongst contemporary chronicles, the surname of "James with the fiery face." By his queen he left three sons: James, his successor, Alexander, duke of Albany, and John, earl of Mar; and two daughters: Mary, who took to her first husband Lord Boyd, and afterwards Lord Hamilton, and Margaret, who married Sir William Crichton, son of the chancellor. From a charter which is quoted by Sir James Balfour, it would appear that he had another son, named David, created Earl of Moray, who, along with a daughter, died in early infancy.[1]

CHAPTER IV.

JAMES THE THIRD.

1460—1488.

SCOTLAND, once more exposed to the danger and the woe pronounced upon the nation whose king is a child, was yet entitled to expect a pacific commencement of the minority, from the wisdom and experience of the queen-mother, the apparent union amongst the nobility, and the sage counsels of the chief ministers of the late king,

[1] Sir Lewis Stewart's MS. Collections, Ad. Library, and Extracta ex Chronicis Scotiæ, MS. Ad. Library, f. 288.

who, from attachment to the father, were likely to unite for the support of the son. Immediately after the surrender of the fortress of Roxburgh, which was dismantled, and the demolition of Wark castle, which had been stormed by another division of the army, the further prosecution of the war was intermitted, and the nobility conducted their monarch, then only eight years old, to the monastery of Kelso, where he was crowned with the accustomed pomp and solemnity, more than a hundred knights being made to commemorate the simultaneous entrance of the prince into the state of chivalry, and his assumption of his hereditary throne.[1] The court then removed to Edinburgh, where the remains of the late king were committed to the sepulchre in the venerable abbey of Holyrood.[2]

We have already seen that at this moment the neighbouring nation of England was torn and distracted by the wars of York and Lancaster; and the captivity of Henry the Sixth, the ally of Scotland, with the escape of his queen, and her son, the prince, into that country, are events belonging to the last reign. Immediately after the royal funeral, intelligence was brought that this fugitive princess, whose flight had lain through Wales, was arrived at Dumfries, where she had been received with honour, and had taken up her residence in the college of Lincluden. To this place the queen-mother of Scotland, with the king and the royal suite, proceeded, and a conference took place relative to the public affairs of both kingdoms, of which, unfortunately, we have no particular account, except that it lasted for twelve days. A marriage was talked of between the English prince and the sister of the King of Scotland, but the energetic consort of the feeble Henry required more prompt and warlike support than was to be derived from a distant matrimonial alliance, and, encouraged by the promise of a cordial co-operation upon the part of Scotland, she returned with haste to York, and there, in a council of her friends, formed the resolution of attacking London, and attempting the rescue of her captive husband. The complete triumph of this princess at Wakefield, where she totally routed the army of the Duke of York, once more, though for a brief period, confirmed the ascendancy of the house of Lancaster; and Scotland, in the re-establishment of her ally upon the throne, anticipated a breathing time of peace and tranquillity.[3]

But the elements of civil commotion existed in the habits of the people and the constitution of the country. In the north, the fertile region of all confusion and rapine, Allan of Lorn of the Wood, a sister's son of Donald Balloch, had seized his elder brother, Ker of Lorn, and confined him in a dungeon in the island of Kerweray.[4] Allan's object was to starve his victim to death, and succeed to the estate; but the Earl of Argyle, who was nearly related to the unfortunate baron, determined to rescue him; and arriving suddenly with a fleet of war galleys, entirely defeated this fierce chief, burnt his fleet, slew the greater part of his men, and restored the elder brother to his rightful inheritance. This, although apparently an act of justice, had the usual effect of rousing the whole body of the Island lords, and dividing them into various parties, animated with a mortal hostility against each other, and these issued from their ocean-retreats to plunder the islands, to make descents upon the continent, and to destroy and murder the unhappy persons who refused to join their banner, or engage in such atrocities.[5]

In the meantime it was thought expedient that writs should be issued in the royal name for the meeting of the parliament, which assembled at Edinburgh on the 23d of February 1460. It was fully attended, not only by the whole body of the prelates, to whose wisdom and experience the

[1] Auchinleck Chronicle, p. 58.
[2] Extracta ex Chronicis Scotiæ, fol. 289. "Medium circiter choram."
[3] Auchinleck Chronicle, p. 58. Carte, Hist of England, vol. ii. p. 757.
[4] *i.e.*, Kerrera.
[5] Auchinleck Chronicle, pp. 58, 59.

people anxiously looked for protection, and by the great southern barons, but by the Earl of Ross, Lord of the Isles, and a multitude of independent Highland chiefs, whose hands were scarce dry from the blood which they had lately shed in their domestic broils, and who came, not so much from feelings of affection to the crown, as with the desire of profiting by the changes and the insecurity which they knew to be the attendants upon a minority. Unfortunately no records remain of the transactions of this first parliament of James the Third. It is certain, however, that the debates and divisions of the aristocracy were carried on with a virulence which augured ill for the kingdom, and rendered abortive, in a great measure, the deliberations of the friends of order and good government. These, however, so far succeeded as to procure the appointment of sessions for the distribution of justice to be held at Aberdeen, Perth, and Edinburgh. The keeping of the king's person, and the government of the kingdom, were committed, for the present, to the queen-mother; and this prudent princess, distrusting the higher nobles who commanded some of the principal fortresses, removed the governors of Edinburgh, Stirling, and Dunbar, and replaced them by those amongst her own servants, upon whose fidelity she could rely.[1] It was impossible that such decided measures should not excite dissatisfaction amongst a large proportion of the aristocracy, "who," in the words of a contemporary chronicle, "loudly complained against those persons, whether of the temporal or spiritual estate, who committed to a woman the government of a powerful kingdom." In other words, they murmured that the plunder and peculation which they had eagerly anticipated as the ministers of a minor sovereign, were not likely to be permitted under the energetic government of the queen.

In the absence of authentic evidence, it is difficult to ascertain the exact measures which were adopted in the constitution of the new government immediately subsequent to the death of the king. According to Lesley, a council of regency was formed under the direction of the queen-mother. By another, and, as it seems, a more probable account, the chief management of affairs was intrusted to Kennedy, bishop of St Andrews; and it is certain that the choice could not have fallen upon one more fitted, from his exemplary probity, and his eminent talents and experience, to guide the state amid the difficulties with which it was surrounded. This his conduct in office during the late reign had sufficiently demonstrated; and his present appointment to be the principal minister of the crown, was a pledge given by the queen that, however thwarted and opposed by the selfish spirit of the great body of the nobles, it was at least her wish that the government should be administered with justice and impartiality. The office of chancellor was, about the same time, conferred on Lord Evandale, a nobleman of considerable ability, who had enjoyed the advantage of a more learned education than generally fell to the lot of the rude barons of his age, and who had experienced the confidence and friendship of the late king. The high situation of Justiciar of Scotland was committed to Robert, lord Boyd; the care of the privy seal intrusted to James Lindsay, provost of Lincluden, who was said to be admitted into the most secret councils of the queen; James, lord Livingston, was promoted to the lucrative and responsible dignity of chamberlain, whilst Liddele, rector of Forres, was made secretary to the king, David Guthrie of Kincaldrum treasurer, and Sir John Colquhoun of Luss comptroller of the household.[2]

It was about this time that the King of France, who had been chosen arbitrator in the dispute between the crowns of Norway and Scotland, delivered his final judgment upon the subject. It has been already explained that this serious difference, which

[1] Auchinleck Chronicle, p. 59. Lesley, Hist. p. 33.

[2] Crawford's Officers of State, p. 37. Ibid. p. 313. Rymer, Fœdera, vol. xi. p. 476.

threatened to involve the two kingdoms in war, originated in a claim made by the Norwegian monarch for the arrears of the "annual of Norway," the sum payable by Scotland to that kingdom for the possession of the Western Isles and Man. By an original treaty between Magnus, king of Norway, and Alexander the Third, which was concluded in 1286, a certain penalty had been imposed, upon failure on the part of Scotland to pay the yearly quit-rent; and the Norwegian commissioners insisted that the original autograph of this treaty should be produced by the Scottish ambassadors, Patrick Fokart, captain of the King of France's guard, and William de Monipenny, lord of Concressault, alleging that they would prove, from the terms in which it was drawn up, that an arrear of forty-four thousand marks was due from the Scottish government to the King of Norway. This demand the Scottish envoys eluded. They alleged that the original deed was in the hands of Kennedy, the Provost of St Andrews, who was then sick in Flanders, at a great distance from the spot where the convention was held, and insinuated that the treaty had rather been neglected than infringed; that no demands having been, for a long period, made by Norway, Scotland was almost justified in considering the claim as having been cut down by desuetude.

Unable, from the want of the original document, to decide this point, and anxious to avoid the prolongation of the conference, Charles the Seventh proposed that the disputes should be brought to an amicable termination by a marriage between the eldest son of James the Second, and Margaret, the daughter of the King of Norway. Upon this subject the plenipotentiaries of either power, although they intimated that they had no authority to come to a final agreement, declared their willingness to confer with their governments. It was stated by the Scottish ambassadors that the terms which they should be inclined to propose, would be the renunciation by Norway of all claim for arrears, the cession to Scotland of the islands of Shetland and the Orkneys, and the payment of the sum of a hundred thousand crowns for the feminine decorations, or, in more familiar phrase, the pin-money, of the noble virgin; whilst, upon their part, they engaged that their royal master should settle upon the princess a dowry suitable to her rank. At this moment, and apparently before the Norwegian commissioners had returned any answer to the proposal, accounts of the death of James the Second before Roxburgh reached Bourges, where the convention was held, and the negotiations were brought to an abrupt conclusion; but a foundation had been laid for a treaty highly advantageous to Scotland; and the advice of the royal umpire, Charles the Seventh, that the two countries should be careful to continue in the Christian fellowship of peace till the youthful parties had reached a marriageable age, and the intended union could be completed, appears to have been wisely followed by the ministers of both kingdoms.[1]

In the meantime, events of an interesting and extraordinary nature occurred in England. The battle of Wakefield had replaced the sceptre in the hands of the feeble Henry, and the bleeding head of the Duke of York, laid at the feet of his masculine antagonist, the queen, was received by her as a pledge that her misfortunes were to be buried in the grave of this determined enemy of her house. Yet, within little more than two months, the star of York once more assumed the ascendant, and the total and sanguinary defeat of the Lancastrians in the decisive battle of Touton again drove Henry and his consort into exile in Scotland. So complete had been the dispersion and slaughter of their army, and so immediate and rapid the flight, that their suite, when they arrived, consisted only of six persons.[2] They were received, however, with much distinction; the warmest sympathy was expressed for their misfortunes; and the queen-mother, with

[1] Torfæus, pp. 185, 186.
[2] Hall, 256. Paston Letters, i. 219.

the counsellors of the youthful monarch, held various conferences on the most prudent measures to be adopted for the restoration of their unfortunate ally to his hereditary throne. The difficulties, indeed, which presented themselves in the prosecution of such a design, were by no means of a trifling description. It was evident to the good sense and mature experience of Kennedy, who held the chief place in the councils of the Scottish queen, that, upon the accession of a minor sovereign, the first object of his ministers ought to be to secure the integrity of his dominions and the popularity of his government at home. Yet this, at the present moment, was no easy task. On the side of the Highlands and the Isles, Edward the Fourth had already commenced his intrigues with two of the most potent and warlike chiefs of those districts, whose fleets and armies had repeatedly broken the tranquillity of the kingdom, John, earl of Ross, and Donald Balloch, commonly called Mac Ian Vor of Isla. To meet these two barons, or their ambassadors, for they affected the state of independent princes, the English monarch despatched the banished Earl of Douglas, and his brother, John Douglas of Balveny, who had sunk into English subjects, and were animated by a mortal antipathy against the house of James the Second.[1] On the side of Norway, the differences regarding the claims of that government, although they had assumed, under the mediation of the French monarch, a more friendly aspect, were still unsettled; and a war with England, unless undertaken on the necessary ground of repelling an unjust attack, appeared likely to lead to serious misfortune, and even, if crowned with success, could bring little permanent advantage. Yet to desert an ally in misfortune, to whom he was bound by the faith of repeated treaties, would have been unjust and ungenerous, and Henry, or rather his queen, without affecting to be blind to the sacrifice which must be made if Scotland then declared war, offered to indemnify that country by the immediate delivery of the two important frontier towns of Berwick and Carlisle.[2] The prize thus offered was too alluring to be refused; and although Edward had previously shewn a disposition to remain on friendly terms, the occupation of so important a town was considered as an open declaration of hostility, and called for immediate exertion.

Personally engrossed, however, by the unsettled state of his own kingdom, he determined to invade Scotland, and, if possible, expel the reigning family by means of those powerful and rebellious chiefs which it held within its own bosom, assisted by the banished Douglases. We find, accordingly, that in a council of their vassals and dependants, held at Astornish, on the 19th of October, the Earl of Ross, along with Donald Balloch, and his son John de Isla,[3] despatched their ambassadors to meet with the English envoys, who, in a negotiation at Westminster, concluded a treaty with Edward IV., which embraced some extraordinary conditions. Its basis was nothing less than the contemplated conquest of Scotland by the army of the island lord and the auxiliaries to be furnished by Edward. The Lord of the Isles, upon payment of a stipulated sum of money to himself, his son, and his ally, agreed to become for ever the sworn vassal of England, along with the whole body of his subjects, and to assist him in the wars in Ireland, as well as elsewhere. In the event of the entire subjugation of Scotland by the Earls of Ross and Douglas, the whole of the kingdom to the north of the Scottish Sea, or Firth of Forth, was to be divided equally between Douglas, Ross, and Donald Balloch; whilst Douglas was to be restored to the possession of those estates between the Scottish Sea and the Borders of England, from which he was now excluded; and upon such partition and restoration being carried into effect, the salaries payable by England

[1] Rymer, vol. xi. p. 474. Rotuli Scotiæ, vol. ii. p. 462.

[2] Rolls of Parliament, vol. v. p. 478.

[3] Gregory's Hist. of the Western Islands pp. 47, 48.

to Ross and his associates, as the wages of their defection, were to cease. This remarkable treaty is dated at London, on the 13th of February 1462.[1]

Whilst these important transactions were taking place in England, Henry, the exheridated monarch, in his asylum at the Scottish court, engaged the Earl of Angus, one of the most powerful subjects in Scotland, by the promise of an English dukedom, to grant him his assistance in the recovery of his dominions;[2] but before any regular plan could be organised, the Earl of Ross, faithful to his promises to Edward, assembled an army. The command of this force he intrusted to his natural son, Angus, and this fierce chief, assisted by the veteran Donald Balloch, at once broke into a rebellion, which was accompanied by all those circumstances of atrocity and sacrilege that distinguished the hostilities of these island princes. Ross proclaimed himself King of the Hebrides, whilst his son and Donald Balloch, having taken possession of the castle of Inverness, invaded the country of Athole, published a proclamation, that no one should dare to obey the officers of King James—commanded all taxes to be henceforth paid to Ross—and, after a cruel and wasteful progress, concluded the expedition by storming the castle of Blair, and dragging the Earl and Countess of Athole from the chapel and sanctuary of St Bridget, to a distant prison in Isla.[3] Thrice did Donald attempt, if we may believe the historian, to fire the holy pile which he had plundered—thrice the destructive element refused its office—and a storm of thunder and lightning, in which the greater part of his war-galleys were sunk, and the rich booty with which they were loaded consigned to the deep, was universally ascribed to the wrath of heaven, which had armed the elements against the abettor of sacrilege and murder. It is certain, at least, that this idea had fixed itself with all the strength of remorse and superstition in the mind of the bold and savage leader himself; and such was the effect of the feeling, that he became moody and almost distracted. Commanding his principal leaders and soldiers to strip themselves to their shirt and drawers, and assuming himself the same ignominious garb, he collected the relics of his plunder, and, proceeding with bare feet, and a dejected aspect, to the chapel which he had so lately stained with blood, he and his attendants performed penance before the altar. The Earl and Countess of Athole were immediately set free from their prison—and Angus, abandoned as it was believed by heaven, at last ignominiously perished by the dagger of an Irish harper, whose resentment he had provoked.[4]

It does not appear that any simultaneous effort of the banished Earl of Douglas, who at this time received from England a yearly pension of five hundred pounds, co-operated with the rebellion of Ross; so that this formidable league, which threatened nothing less than the conquest and dismemberment of Scotland, expired in a short and insulated expedition, and fell to pieces before the breath of religious remorse. Meanwhile the masculine and able consort of Henry the Sixth was indefatigable in her efforts to regain the power which she had lost. With a convoy of four Scottish ships she sailed from Kirkcudbright to Bretagne, and there prevailed upon the duke to advance the sum of twelve thousand crowns. From Bretagne she passed to her father, the King of Sicily, at this time resident at Anjou, and thence proceeded to the court of France, where her promise to surrender Calais the moment she was reseated on her throne in England, induced Lewis the Eleventh to assist her with a force of two thousand men, under the command of the Sieur de Brézé, seneschal

[1] Rotuli Scotiæ, vol. ii. p. 407.

[2] Hume of Godscroft, vol. ii. pp. 21, 22, quotes from the original treaty, which he had seen: "And so the treaty was sealed and subscribed with a Henry as long as the whole sheet of parchment; the worst shapen letters, and the worst put together, that I ever saw."

[3] Gregory's Hist. of the Western Islands, p. 48.

[4] Lesley, p 34, Bannatyne edition. Boece, p. 383; and MS. note communicated by Mr Gregory.

of Normandy, and a sum of twenty thousand livres.[1] With this little army, the English queen disembarked near Bamborough, under the confident expectation that the popularity of the house of Lancaster, and the prompt assistance of the Scots, would soon recruit the ranks of her army, and enable her to triumph over the power of the usurper. But she was cruelly disappointed. On her first landing, indeed, the fortresses of Alnwick and Dunstanburgh surrendered, and were occupied by the troops of the Lancastrians; but before the Scottish auxiliaries, under the command of Angus, could march into England, Edward the Fourth, in person, along with the Earl of Warwick, advanced, by rapid marches, at the head of a numerous army, and compelled the queen and her foreign ally to fly to their ships. The Seneschal of Normandy, however, left his son in command of Alnwick, at the head of the French auxiliaries, whilst Bamborough castle was committed to the Duke of Somerset and the Earl of Pembroke; but it was impossible for the Queen of England to struggle against the adverse accidents which pursued her. A storm attacked and dispersed her fleet; and it was with infinite difficulty and danger that she succeeded in putting into Berwick.[2] Brézé, the seneschal, after witnessing the wreck of his best ships, and the capture of his troops by Ogle and Manners, two of Edward's officers, was glad to escape in a fishing-boat from Holy Island; and although the Earl of Angus, at the head of a considerable Scottish force, gallantly brought relief to the French auxiliaries who were shut up in Alnwick, and carried off the garrison in safety, in the presence of the English army, the expedition concluded with Edward becoming master of the castles of Bamborough, Dunstanburgh, and Alnwick, whilst Margaret once more fled to the continent, and sought an asylum at her father's court.

[1] Wyrecestre, p. 492. Carte, Hist. of England, vol. ii. p. 766.
[2] Wyrecestre, p. 495. Leland, Coll. vol. i. part ii. p. 499.

In the midst of these calamities which befell her sister-queen and ally, it appears that the Queen-dowager of Scotland had consented to a personal interview with the Earl of Warwick, as the accredited ambassador of Edward the Fourth. The object of the negotiation was an artful proposal of this handsome and victorious prince, for a marriage between himself and the widowed queen, who was then in the bloom of her years, and possessed of many personal charms. Although this negotiation ultimately came to nothing, and indeed the notoriety of the queen's intrigue with the Duke of Somerset,[3] and the suspicions previously breathed against her character, rendered it difficult to believe that Edward was in earnest, still the agitation of such an alliance had the effect of neutralising the party against England, and diminishing the interest of Henry the Sixth at the Scottish court. The death also of his powerful ally, the Earl of Angus, which appears to have taken place about this time, greatly weakened his party; and this ill-fated prince, after having testified his gratitude for the honourable reception and great humanity which he had experienced from the provost and citizens of Edinburgh, by granting to them the same freedom of trade to all English ports which was enjoyed by the citizens of London,[4] once more repaired to England, there to make a last effort for the recovery of his kingdom.

The nobles of Scotland, at this moment, were divided into two parties, known by the name of the young and the old lords:[5] the first supported by the powerful countenance of the queen-mother and Bishop Kennedy, anxious for lasting peace with England, and eager to promote it by the sacrifice of the cause of Henry, which was justly considered desperate; the second, led by the Earl of Angus, and after his death, headed, in all probability, by his son and successor, or rather by the tutors and protectors of this youthful

[3] Wyrecestre, p. 495.
[4] Maitland's History of Edinburgh, p. 8.
[5] Paston Letters, vol. i. p. 270.

chief. The sudden death of the queen-mother, Mary of Gueldres, in the prime of her years and her beauty, which took place on the 16th of November 1463,[1] does not appear to have weakened the interest of Edward, or thrown any additional weight into the hands of the partisans of Henry; on the contrary, the event was followed by immediate and active negotiations for peace; and soon after the battle of Hexham, a defeat which gave the death-blow to the Lancastrian faction in England, a solemn convention was held between the commissioners of both countries. It was attended, on the part of England, by the Earls of Warwick and Northumberland; and on that of Scotland, by the Bishop of Glasgow and the Earl of Argyle, with the Lords Livingston, Boyd, and Hamilton; and it concluded in a fifteen years' truce, embracing, as one of its principal conditions, that "the King of Scotland should give no assistance to Henry, calling himself King of England, to Margaret his wife, Edward his son, or any of his friends or supporters."[2]

Amidst these transactions there gradually arose in Scotland another powerful family, destined to act a prominent part in the public affairs of the kingdom, and to exhibit the frequently-repeated spectacle of office and authority abused for the lowest and most selfish ends. I allude to the exaltation of the Boyds, whose rapid advancement to the possession of the supreme power in the state, and the custody of the king's person, is involved in considerable obscurity. The power of the imperious house of Douglas was now extinguished; it had been succeeded by the domination of the Earl of Angus, which was at first checked by the influence of the queen-mother, and had lately sunk into a temporary weakness by the minority of the young earl. In these circumstances, an opening seems to have been left for the intrusion of any able, powerful, and unscrupulous adventurer, who should unite in his own favour the broken and scattered families of the aristocracy, and, imitating the audacious policy of the Livingstons in the earlier part of the reign of James the Second, obtain exclusive possession of the king's person, and administer at his will the affairs of the government. Such a leader arose in the person of Robert, lord Boyd, whose ancestor had done good service to the country under the reign of Bruce, and who himself, probably through the influence of Bishop Kennedy, had been created a peer in an early part of the present reign. The brother of this nobleman, Sir Alexander Boyd, is celebrated, in the popular histories of this reign, as a mirror of chivalry in all noble and knightly accomplishments, and upon this ground he had been selected by the queen-mother and Kennedy as the tutor of the youthful prince in his martial exercises.[3] To acquire an influence over the affections of a boy of thirteen, and to transfer that influence to his brother, Lord Boyd, who was much about the royal person, was no difficult task for so polished and able a courtier as Sir Alexander; but it appears singular that the selfishness and ambition of his character, as well as that of his brother, should have escaped the acute discernment of Kennedy; and yet it seems probable that some months previous to the death of this excellent prelate, the Boyds had formed a strong party in the state, the object of which was to usurp the whole power in the government, and secure the exclusive possession of the king's person.

This may be presumed from a remarkable indenture, dated at Stirling on the 10th of February 1465,[4] the contents of which not only disclose to us the ambition of this family, and the numerous friends and adherents whom they had already enlisted in their service, but throw a strong light upon the unworthy methods by which such confederacies were maintained amongst the members of the Scottish aristocracy. The agreement bears to have

[1] Lesley, p. 36.
[2] Rymer, vol. xi. p. 510. Rotuli Scotiæ, vol. i. p. 412. Abercromby, vol. ii. p. 390.
[3] Paston Letters, vol. i. pp. 270, 271.
[4] *i.e.*, 10th February 1465–6.

been entered into betwixt honourable and worshipful lords, Robert, lord Fleming, on the one side, and Gilbert, lord Kennedy, elder brother of the bishop, and Sir Alexander Boyd of Duchol, knight, upon the other; and it declared that these persons had solemnly bound themselves, their kin, friends, and vassals, to stand each to the other, in "afald kindness, supply, and defence," in all their causes and quarrels in which they were either already engaged, or might happen to be hereafter engaged, during the whole continuance of their lives. Lord Fleming, however, it would seem, had entered into a similar covenant with the Lords Livingston and Hamilton; and these two peers were specially excepted from that clause by which he engaged to support Kennedy and Boyd against all manner of persons who live or die. In the same manner, these last-mentioned potentates excepted from the sweeping clause, which obliged them to consider as their enemies every opponent of Fleming, a long list of friends, to whom they had bound themselves in a similar indenture; and it is this part of the deed which admits us into the secret of the early coalition between the house of Boyd and some of the most ancient and influential families in Scotland. The Earl of Crawford, Lord Montgomery, Lord Maxwell, Lord Livingston, Lord Hamilton, and Lord Cathcart, along with a reverend prelate, Patrick Graham, who soon after was promoted to the see of St Andrews, were specially enumerated as the covenanted friends of Boyd and Kennedy. It was next declared that Lord Fleming was to remain a member of the king's special council as long as Lord Kennedy and Sir Alexander Boyd were themselves continued in the same office and service, and provided he solemnly obliged himself, in no possible manner, either by active measures, or by consent and advice, to remove the king's person from the keeping of Kennedy and Boyd, or out of the hands of any persons to whom they may have committed the royal charge. By a subsequent part of the indenture it appears that to Fleming was attributed a considerable influence over the mind of the youthful monarch; for he was made to promise that he would employ his sincere and hearty endeavours to incline the king to entertain a sincere and affectionate attachment to Lord Kennedy and Sir Alexander Boyd, with their children, friends, and vassals. The inducement by which Lord Fleming was persuaded to give his cordial support to the Boyds is next included in the agreement, which, it must be allowed, was sufficiently venal and corrupt. It was declared that if any office happened to fall vacant in the king's gift, which is a reasonable and proper thing for the Lord Fleming's service, he should be promoted thereto for his reward; and it continues, "if there happens a large thing to fall, such as ward, relief, marriage, or other perquisite, as is meet for the Lord Fleming's service, he shall have it for a reasonable composition before any other." It was finally concluded between the contracting parties, that two of Lord Fleming's friends and retainers, Tom of Somerville, and Wat of Tweedie, should be received by Kennedy and Boyd amongst the number of their adherents, and maintained in all their causes and quarrels; and the deed was solemnly sealed and ratified by their oaths taken upon the holy gospels.[1]

Such is a specimen of the mode in which the prosperity of the kingdom was sacrificed to the private ambition of the nobles; and it is evident that this band or indenture, by which Lord Fleming was irrevocably tied to support the faction of the Boyds, was merely one of many other similar instruments which shackled in the same manner, and rewarded by the same prospects of peculation, the rest of the Scottish nobles.

These intrigues appear to have been carried on during the mortal illness of Bishop Kennedy, and in contemplation

[1] This valuable original document was communicated to me by James Maidment, Esq., through whose kind permission it is printed in the Illustrations, letter O.

of his death. This event, which, in the circumstances in which it occurred, was truly a national calamity, took place on the 10th of May 1466.[1] In him the country lost the only statesman who possessed sufficient firmness, ability, and integrity to direct the councils of government. He was, indeed, in every respect a remarkable man; a pious and conscientious churchman, munificent, active, and discriminating in his charity; and whose religion, untinged with bigotry or superstition, was pure and practical. His zeal for the interests of literature and science was another prominent and admirable feature in his character, of which he left a noble monument in St Salvator's college at St Andrews, founded by him in 1456, and richly endowed out of his ecclesiastical revenues. Kennedy was nearly connected with the royal family, his mother being the Lady Mary, countess of Angus, a daughter of Robert the Third. It appears that he had early devoted his attention to a correction of the manifold abuses which were daily increasing in the government of the Church; for which laudable purpose he twice visited Italy, and experienced the favour of the Pope. Although in his public works, in his endowments of churches, and in everything connected with the pomp and ceremonial of the Catholic faith, he was unusually magnificent, yet in his own person, and the expenditure of his private household, he exhibited a rare union of purity, decorum, and frugality; nor could the sternest judges breathe a single aspersion against either his integrity as a minister of state, or his private character as a minister of religion. Buchanan, whose prepossessions were strongly against that ancient Church, of which Kennedy was the head in Scotland, has yet spoken of his virtues in the highest terms of panegyric:—"His death," he says, "was so deeply deplored by all good men, that the country seemed to weep for him as for a public parent."[2]

[1] Keith's Catalogue of the Scot. Bishops, p. 19.

[2] Buchanan, Histor. Rerum Scotic. book xii. chap. 23.

Upon the decease of this virtuous prelate, the strength of the coalition which had been formed by the Boyds, and the want of that firm hand which had hitherto guided the government, were soon felt in a lamentable manner by the country. To get complete possession of the king's person was the first object of the faction, and this they accomplished in a summary and audacious manner. Whilst the king, who had now completed his fourteenth year, sat in his Exchequer Court, which was then held in the palace of Linlithgow, Lord Boyd, accompanied by Lord Somerville, Adam Hepburn, master of Hailes, and Andrew Ker of Cessford, violently invaded the court, which was kept by the officers and attendants of the chamberlain, Lord Livingston, and, laying hands upon the king, compelled him to mount on horseback behind one of the Exchequer deputies, and to accompany them to Edinburgh. Lord Kennedy, who was a principal party in the conspiracy, with the object of removing from himself the public odium of such an outrage, intercepted the cavalcade, and, seizing the bridle of the horse which the king rode, attempted, with well-dissembled violence, to lead him back to the palace. A blow from the hunting-staff of Sir Alexander Boyd put an end to this interference, and the party were suffered to proceed with their royal prize to the capital.[3] The reader need hardly be reminded that Lord Livingston, the chamberlain, without whose connivance this enterprise could not have succeeded, was one of the parties to that bond between Lord Fleming and the Boyds, which has been already quoted; and that Tom of Somerville, or, in less familiar language, Thomas Somerville of Plane, the brother of Lord Somerville, who accompanied and assisted Lord Boyd in his treasonable invasion of the royal person, was another. Fle-

[3] R. Mag. Sig. vii. 45, October 13, 1466. Buchanan, book xii. chap. 21, is the authority for this pretended interposition of Kennedy. The rest of the story given by him is inaccurate. See an extract from the Trial of the Boyds in 1469, in Crawford's Officers of State, p. 31[illegible].

ming himself, indeed, does not appear; and the other powerful friends of the Boyds, the Earl of Crawford, with the Lords Montgomery, Maxwell, Hamilton, and Cathcart, are not mentioned as having personally taken any share in the enterprise; but can we doubt that all of them gave it their countenance and support; and that Lord Boyd and his associates would not have risked the commission of an act of treason, unless they had been well assured that the strength of their party would enable them to defy, for the present, every effort which might be made against them?

This is strikingly corroborated by what followed. During the sitting of a parliament, which was soon after held at Edinburgh, an extraordinary scene took place. In the midst of the proceedings Lord Boyd, suddenly entering the council-room, threw himself at the king's feet, and embracing his knees, earnestly besought him to declare before the three estates whether he had incurred his displeasure for any part which he had taken in the late removal of his majesty from Linlithgow to Edinburgh; upon which the royal boy, previously well instructed in his lesson, publicly assured his nobility that instead of being forcibly carried off in the month of July last from Linlithgow, as had been by some persons erroneously asserted, he had attended Lord Boyd and the other knights and gentlemen who accompanied him of his own free-will and pleasure. In case, however, this assertion of a minor sovereign, under the influence of a powerful faction, should not be considered sufficiently conclusive, an instrument under the great seal was drawn up, in which Boyd and his accomplices were pardoned;[1] and to crown this parliamentary farce, the three estates immediately appointed the same baron to the office of governor of the king's person, and of his royal brothers. They selected at the same time a committee of certain peers, to whom, during the interval between the dissolution of this present parliament and the meeting of the next, full parliamentary powers were intrusted. It is impossible not to pity the miserable condition of a country in which such abuses could be tolerated, in which the rights of the sovereign, the constitution of the great national council, and the authority of the laws, were not only despised and outraged with impunity, but with a shameless ingenuity were made parties to their own destruction. In the same parliament the ambassadors who were then in England, amongst whom we find the prelates of Glasgow and Aberdeen, the Earls of Crawford and Argyle, with Lord Livingston, the chamberlain, were directed to treat of the marriage of the king, as well as of his royal brothers, the Lords of Albany and Mar; and upon their return to Scotland to come to a final determination upon the subject with that committee of lords to whom the powers of parliament were intrusted.

It is evident, however, that although their names and their numbers are studiously concealed, there was a party in the kingdom inimical to the designs of the Boyds, who absented themselves from the meeting of the estates, and, shut up within their feudal castles, despised the pretended summons of the king, and defied the authority of those who had possessed themselves of his person. The parliamentary committee were accordingly empowered to sit and judge all those who held their castles against the king or my Lord of Albany, to summon them to immediate surrender, and in the event of their refusal to reduce them by arms. At the same time it was determined that the dowry of the future queen should be a third of the king's rents. Some regulations were passed against the purchase of benefices *in commendam*, and an endeavour was made to put a stop to the alarming prevalence of crime and oppression, by inflicting severe fines upon the *borrows* or pledges of those persons who had become security to the state that they would keep the peace, and abstain from offer

[1] Litera approbationis in favorem Dom. Rob. Boyd. Appendix to Crawford's Officers of State, p. 473.

ing violence to the person or invading the property of their neighbours.[1] "If borrows be broken," to use the language of the act, "upon any bishop, prelate, earl, or lord of parliament, the party who had impledged himself for his security, was to be fined a hundred pounds; if upon barons, knights, squires, or beneficed clerks, fifty pounds; if upon burgesses, yeomen, or priests, thirty pounds." In the same parliament the act of King Robert Bruce, by which Englishmen were forbid to hold benefices in Scotland, was revived; and the statutes, so often renewed and so perpetually infringed, against the exportation of money out of the realm, excepting so much as was necessary for the traveller's personal expenses, were once more repeated. On the other hand, to encourage the importation of money into the kingdom, a provision was made that every merchant who exported hides or woolfels should, for each sack which he sold in the foreign market, bring to the master-coiner of the king's mint two ounces of "burnt silver," for which he was to receive nine shillings and twopence; whilst, for the ease and sustentation of the king's lieges, and to encourage almsdeeds to be done to the poor, it was enacted that a coinage of copper money should be issued, four pieces or farthings to the penny, with the device of St Andrew's cross, and superscribed Edinburgh, on the one side, and a royal crown, with the letters James R., on the reverse. The other gold and silver money of the realm was to be current at the same value as before.[2]

A restriction was made upon foreign trade, by which none but free burgesses resident within burgh, or their factors and servants, were permitted to sell or traffic in merchandise out of the realm; always understanding that it was lawful for prelates, barons, and clerks, to send their own property, the produce of their own lands, out of the country by the hands of their servants, and to purchase in return such things as were needful for their personal use. Other regulations follow, which enable us to form some idea of the commercial condition of the country; even burgesses, it would appear, had not an unlimited permission to trade unless the trader was a famous and worshipful man, having of his own property half a "last" of goods, or so much at least under his own power and management; no handicraftsman or artisan was to be permitted to trade unless he first, without colour or dissimulation, renounced his craft; and none of the king's lieges was to be permitted to freight a ship, either within the realm or from a foreign port, without there being a formal agreement or charter-party drawn up, containing certain conditions which were to be fulfilled by the shipmaster. By such conditions the shipmaster was obliged to find a steersman and (tymmerman) timberman, with a crew sufficient to navigate the vessel. The merchantmen who sailed with him were to be provided with fire, water, and salt at his expense. If any quarrel arose between the shipmaster and his merchant passengers, its decision was to be referred to the court of the burgh to which the vessel was freighted, whilst care was to be taken that no goods should be damaged or destroyed, shorn or staved in by ignorant or careless stowage, under the penalty of forfeiting the freight-money, and making good the loss to the merchant. No master was to be allowed to sail his vessel during the winter months, from the feast of St Simon and Jude to Candlemas; and in consequence, probably of some misunderstanding with the Flemings, of which there is no trace in the history of the times, all merchants were interdicted from trading to the ports of the Swyn, the Sluse, the Dam, or Bruges, and ordered to pass with their ships and cargoes to the town of Middelburg. They were not, however, to establish their trade in that city as a staple, as it was declared to be the intention of the government to send commissioners to the continent

[1] Acts of the Parliament of Scotland, vol. ii. p. 86.

[2] Ibid. vol. ii. p. 86.

for the purpose of negotiating for them the privileges and freedom of trade, and to fix the staple in that port which offered the most liberal terms.[1] In the meantime it was permitted to all merchants to trade to Rochelle, Bordeaux, and the ports of France and Norway, as before. In England, during the same year, we find the parliament of Edward the Fourth imposing the same restrictions upon the trade and manufactures of the kingdom, enforcing an unattainable uniformity of fabric and quantity in the worsted manufactures, and prohibiting the exportation of woollen yarn and unfulled cloth, by which the king lost his customs and the people their employment. The truth seems to have been, that owing to the decided inferiority of the English wool, the foreign cloths had completely undersold the English broadcloth; and the parliament interfered to prevent the manufacturers from diverting their labour and their capital into that only channel in which they appear to have been profitably employed for themselves and for the country.[2]

In the midst of these parliamentary labours the power of the family of the Boyds, fostered by a prepossession which the youthful monarch seems to have entertained for their society, and increased by the use which they made of their interest in the government to reward their friends and overwhelm their opponents, was steadily on the increase. The Princess Mary, eldest sister to the king, had been affianced to the son of Henry the Sixth, but the hand of this royal lady was not deemed too high a reward for Sir Thomas Boyd, the eldest son of Lord Boyd. The island of Arran was immediately after the marriage erected into an earldom in favour of the bridegroom; and his power and ambition were gratified by the grant of ample estates in the counties of Ayr, Bute, Forfar, Perth, and Lanark.[3] Soon after this accession of dignity, Lord Boyd, who already enjoyed the office of governor to the king and his brothers, and high justiciar of the kingdom, was promoted to the lucrative and important trust of lord chamberlain, so that, armed in this triple authority, he may be said to have ruled supreme over the person of the sovereign, the administration of justice, and the management of the revenues. The power of this family, however, which had shot up within a short period to such wonderful and dangerous strength, seems to have reached at this moment its highest exaltation, and the fall, when it did arrive, was destined to be proportionably rapid and severe.

An event which soon after occurred in Orkney had the effect of renewing the intercourse between the courts of Scotland and Denmark, although the auspices under which it was resumed were at first rather hostile than friendly. Tulloch, bishop of Orkney, a Scotsman, and a prelate of high accomplishments and great suavity of manners, enjoyed the esteem of Christiern, king of Denmark and Norway; and appears to have been intrusted by this northern potentate with a considerable share in the government of these islands, at that time the property of the crown of Norway. In some contention or feud between the Bishop and the Earl of Orkney, a baron of a violent character and of great power, the prelate had been seized and shut up in prison by a son of Orkney, who shewed no disposition to interfere for his liberation. Upon this, Christiern directed letters to the King of Scotland, in which, whilst professing his earnest wishes that the two kingdoms should continue to preserve the most friendly relations to each other, he remonstrated against the treatment of the bishop, requested the king's interference to procure his liberty, and intimated his resolution not to permit the Earl of Orkney to oppress the liege subjects of Norway.[4] So intent was the northern potentate upon this subject, that additional letters were soon after transmitted to the Scottish king, in which, with the design of expedit-

[1] Acts of the Parliament of Scotland, vol. ii. p. 87.
[2] Statutes of the Realm, vol. ii. p. 418.
[3] Douglas's Peerage, vol. ii. p. 32.
[4] Torfæi Orcades, p. 137.

ing his deliberations, a demand was made for the payment of all arrears due by Scotland to Norway, and reiterating his request not only for the liberation of the bishop, but for the restoration to the royal favour of a noble Scottish knight, Sir John Ross of Halket, the same who had distinguished himself in the famous combat, held before James the Second, between three warriors of Burgundy and three champions of Scotland.

These representations had the desired effect. The king had now completed his sixteenth year; it was not expedient longer to delay his marriage; and, in looking around for a suitable consort, the daughter of Christiern was thought of amongst other noble virgins. The consequence of this was, an amicable answer to the requests of the Norwegian monarch, and a promise upon the part of James, that an embassy should immediately be despatched, by which it was hoped all claims between the two crowns might be adjusted. The Bishop of Orkney appears to have been restored to liberty; Ross was recalled from his banishment, and admitted to favour; and a parliament assembled at Edinburgh, for the purpose of taking into immediate consideration the affair of the king's marriage.

In this meeting of the estates of the realm a commission was drawn up, empowering the Bishops of Glasgow and Orkney, the Chancellor Evandale, the Earl of Arran, and Mr Martin Vans, grand almoner and confessor to the king, to proceed as ambassadors to the court of Denmark for the purpose of negotiating a marriage between the youthful sovereign of Scotland and Margaret, princess of Denmark; whilst, in the event of any failure in the overtures made regarding this northern alliance, the embassy received a sort of roving commission to extend their matrimonial researches through the courts of England, France, Spain, Burgundy, Brittany, and Savoy. Three thousand pounds were contributed by the parliament for the purpose of defraying the expenses of the embassy, not, as it is stated in the act, by way of tax, or contribution, but of their own free-will, and without prejudice to follow to them in any time to come. Of this sum, a thousand was to be given by the clergy, a thousand by the barons, and a thousand by the burgesses of the realm.[1]

The Scottish ambassadors accordingly proceeded to Copenhagen, and their negotiations appear to have been conducted with much prudence and discretion. Their great object was to obtain a cession from Norway of the important islands of Orkney and Shetland, which, as long as they continued the property of a foreign crown, were likely, from their proximity to Scotland, and in the event of a war with the northern powers, to become exceedingly troublesome neighbours to that kingdom. Since the ninth century, the feudal superiority in these islands had belonged to the Norwegian kings. For a considerable period they had been governed by a line of Norwegian jarls, or earls; but these having failed about the middle of the fourteenth century, the earldom passed, by marriage, into the ancient and noble house of St Clair, who received their investiture from the monarchs of Norway, and took their oath of allegiance to that crown. Nay, the sovereigns of Norway were in the practice of occasionally appointing viceroys or governors in these islands; and on the failure of heirs in the line of the Scottish earls, on the refusal of allegiance, or in the event of rebellion, the islands were liable to be reclaimed by these foreign potentates, and at once separated from all connexion with Scotland. In such circumstances, the acquisition of the Orkneys, and the completing the integrity of the dominions of the Scottish crown, was evidently an object of the greatest national importance. At a remote period of Scottish history, in 1266, the kingdom of Man and the Western Islands were purchased from Norway by Alexander the Third. The stipulated annual payment of a hundred marks, from its trifling value, had not been regularly exacted. Under

[1] Acts of the Parliament of Scotland, vol. ii. p. 96.

the reign of James the Second, when the arrears appear to have accumulated for a period of twenty-six years, Christiern, king of Denmark, remonstrated, and not only claimed the arrears, but the penalties incurred by the failure. In these circumstances, the case was submitted to the arbitration of Charles the Seventh of France, the mutual friend of the parties who, as already stated, recommended a marriage between the Prince of Scotland and the daughter of the King of Denmark, as the happiest and wisest mode of terminating the differences.

It was fortunate for the ambassadors of James that Christiern was disposed, at this period, to preserve the most friendly relations with Scotland. It had been the policy of this prince, more than that of any of his predecessors, to strengthen his influence by foreign alliances, and to support France against the aggressions of England, so that a matrimonial alliance with a kingdom which had long been the enemy of that country, was likely to meet with his cordial concurrence. Under so favourable an aspect the negotiation was soon concluded. The Norwegian monarch, however, hesitated about giving an immediate cession of the islands to Scotland; but the articles of the matrimonial treaty amounted, in their consequences, to almost the same thing. Christiern consented to bestow his daughter in marriage upon King James, with a portion of sixty thousand florins, and a full discharge of the whole arrears of the *annual*, the name given to the yearly tribute due for the Western Isles, and of the penalties incurred by non-payment. Of the stipulated sum he agreed to pay down ten thousand florins before his daughter's departure for Scotland, and to give a mortgage of the sovereignty of the Orkney Islands, which were to remain the property of the kingdom of Scotland till the remaining fifty thousand florins of the marriage portion should be paid. Upon the part of James, it was agreed that his consort, Margaret of Denmark, should, in the event of his death, be confirmed in the possession of the palace of Linlithgow and the castle of Doun, in Menteith, with their territories; and, besides this, that she should enjoy a revenue amounting to one-third of the royal lands.[1] The exchequer of the Danish monarch had, at this time, been drained by continued civil commotions in his kingdom of Sweden, and, owing to the delay in the stipulated payment of the dowry, the residence of the Scottish ambassadors at the northern court was protracted for several months. During this interval, Boyd, earl of Arran, returned to Scotland with the object of laying before James the terms of the treaty, and receiving his further instructions regarding the passage of the bride to her new country.

Upon Boyd's departure from Copenhagen, it seems probable that Christiern became acquainted, from the information of his brother ambassadors who remained, with the overgrown power of the family of Arran, and the thraldom in which he held the youthful king, and that in justice to his daughter, the future queen, he had determined to undermine his influence. The imperious manners of such a spoilt favourite of fortune as Arran were likely to prove disagreeable to the majesty of Denmark, and even amongst his brother ambassadors there were probably some who, having suffered under the rod of his power, would not be indisposed to share in the spoils of his forfeiture, and to lend themselves instruments to compass his ruin. Whilst such schemes for the destruction of the power of the despotic family of Boyd were ripening in Denmark, the Scottish nobles, during his absence on the embassy, had entered into an equally formidable coalition against him; and the eyes of the king, no longer a boy, became opened to the ignominious tutelage in which he had been kept, and the dangerous plurality of the highest offices enjoyed by the high-chamberlain and the Earl of Arran. All this, however, was kept concealed for the present; and as winter was now at hand, and the frequent storms in these northern lati-

[1] Torfæi Orcades, p. 15.

tudes were naturally formidable to the ambassadors and their timid bride, it was resolved to delay the voyage till spring.[1] At that period Arran again proceeded with great pomp to the Danish court, and on his arrival it was found that Christiern, whose pecuniary difficulties continued, instead of ten thousand, could only pay two thousand florins of his daughter's dowry. Such being the case, he proposed a further mortgage of the islands of Shetland, till he should advance the remaining eight thousand florins, and, as may be easily supposed, the Scottish ambassadors were not slow to embrace his offer. The money was never paid, and since this period the islands of Orkney and Shetland have remained attached to the Scottish crown.

Having brought these matters to a conclusion in a manner honourable to themselves and highly beneficial to the country, the Scottish ambassadors, bearing with them their youthful bride, a princess of great beauty and accomplishments, and attended by a brilliant train of Danish nobles, set sail for Scotland, and landed at Leith in the month of July, amidst the rejoicings of her future subjects. She was now in her sixteenth year, and the youthful monarch, who had not yet completed his eighteenth, received her with the gallantry and ardour incident to his age. Soon after her arrival, the marriage ceremony was completed with much pomp and solemnity in the abbey church of Holyrood, and was succeeded by a variety and splendour in the pageants and entertainments, and a perseverance in the feasting and revelry, which were long afterwards remembered.[2]

The next great public event which succeeded the king's marriage was the fall of the proud and powerful house of Boyd; and so very similar were the circumstances which attended their ruin to those by which the destruction of the Livingston family was accompanied, under the reign of James the Second, that, in describing the fate of the one, we seem to be repeating the catastrophe of the other. The reflection which here necessarily forces itself upon the mind is, that the constitution of Scotland at this period invariably encouraged some powerful family in the aristocracy to monopolise the supreme power in the state; and, as the manner by which they effected this purpose was the same in all cases, by a band namely, or coalition, with the most powerful and influential persons in the country, so the mode adopted by their enemies for their ruin and discomfiture was equally uniform: a counter coalition, headed by the sovereign whom they had oppressed, and held together by the hopes of sharing in the spoils which they had amassed during their career.

Whilst the Danish fleet, which brought the youthful bride and the Scottish ambassadors, was yet in the Forth, the king's sister, who was the wife of Arran, had become acquainted with the designs which were then in agitation; and, alarmed for the safety of her husband, against whom she perceived that her royal brother had conceived the deepest animosity, she secretly left the court, procured a conveyance on board the fleet, and informed him of his danger. It happened, unfortunately for his family, that this proud noble, overwhelmed with intelligence for which he was so little prepared, adopted the step most calculated to irritate the king's mind against him. It might have been possible for Arran to have awakened an old attachment, or at least to have diluted the bitterness of indignation, by a personal appeal to the generosity of the monarch; but instead of this, without landing with his brother ambassadors, he secretly got on board a vessel, and taking his wife along with him, whose presence he perhaps believed would be a pledge for his security, escaped to Denmark, a country scarcely less inimical to him than Scotland.

On being informed of his flight, the king was much incensed, and immediately after the conclusion of the re-

[1] Ferrerius, p. 388. Lesley, History of Scotland, p. 38.

[2] Lesley's History of Scotland, p. 38. Ferrerius, p. 388, printed at the end of Boece.

joicings for his marriage, a parliament assembled at Edinburgh, in which the destruction of this great family was completed in a very summary manner. Lord Boyd, his brother, Sir Alexander Boyd of Drumcol, and his son, the Earl of Arran, were summoned to appear and answer the charges which should be brought against them. Boyd, the lord justiciar and chamberlain, now a very old man, made a vain show of resistance; and trusting perhaps to those bands by which many of the most powerful families in the country had engaged to follow his banner and espouse his quarrel, he assembled his vassals, and advanced to Edinburgh with a force intended to overawe the parliament and intimidate his judges; but he had overrated his influence. At the display of the royal standard, his troops of friends dispersed; even his own immediate dependants became fearful of the consequences, and dropped away by degrees; so that the old lord, in despair for his safety, fled across the Borders into Northumberland, where, overwhelmed by age and misfortune, he soon after died.

The Earl of Arran, as we have seen, had avoided the royal wrath, by a precipitate flight to Denmark; but it is difficult to account for the stern and inexorable measures which were adopted against Sir Alexander Boyd, his uncle, whose pleasing manners, and excellence in all the chivalrous accomplishments of the age, had raised him to the office of the king's military tutor or governor, and to whom, in his boyish years, James is said to have been so warmly attached. It is evident that the young king, with a capriciousness often incident to his time of life, had suffered his mind to be totally alienated from his early friend; and having consented to his trial for treason, and the confiscation of the large estates which had been accumulated by the family, it is not impossible that, contrary to his own wishes, he may have been hurried into the execution of a vengeance which was the work rather of the nobles than of the sovereign. However this may be, Sir Alexander Boyd, whose sickness had prevented him from making his escape, was brought to trial before the parliament for his violent abduction of the king's person from Linlithgow on the 9th of July 1466, an act of manifest treason; which being fully proved, he was found guilty and condemned to death. Lord Boyd, and his son the Earl of Arran, who had eluded the pursuit of their enemies, were arraigned in their absence on the same charges as those brought against Sir Alexander Boyd; and being tried by a jury, which included the Earls of Crawford and Morton, and the Lords Seton, Gordon, Abernethy, Glammis, Lorn, and Haliburton, were also pronounced guilty of treason. It was in vain pleaded for these unfortunate persons, that the crime of removing the king from Linlithgow had not only been remitted by a subsequent act of parliament, but, upon the same great authority, had been declared good service. It was replied, and the truth of the answer could not be disputed, that this legislative act was of no avail, having been extorted by the Boyds when they possessed the supreme power, and held the person of the sovereign under a shameful durance, which constituted an essential part of their guilt. Sentence of death was accordingly pronounced upon the 22d of November 1469; and the same day, Sir Alexander Boyd, the only victim then in the power of the ruling faction, was executed on the Castle-hill of Edinburgh.[1]

Upon the forfeiture of the estates of Lord Boyd, and his son, the Earl of Arran, it was judged expedient to make an annexation to the crown of the estates and castles which had been engrossed by this powerful family; and this was done, it was declared, for behoof of the eldest sons of the kings of Scotland. Amongst these, we find the lordship of Bute and castle of Rothesay, the lordship of Cowal and the castle of Dunoon, the earldom of Carrick, the lands and castle of Dundonald, the barony of Renfrew, with

[1] Crawford's Officers of State, p. 316, quoting the original trial in Sir Lewis Stewart's MS. Collections, Advocates' Library.

the lordship and castle of Kilmarnock, the lordships of Stewarton and Dalry, the lands of Nithsdale, Kilbride, Nairnston, Caverton, Farinzean, Drumcol, Teling, with the annual rent of Brechin, and fortalice of Trabach. When we consider the extent of the possessions which thus became the prize of the crown, it may account for the readiness with which the party of the young queen, who was naturally jealous of the influence which the Boyds had usurped over her husband, embraced the earliest opportunity of accomplishing their downfall; and a conjecture may be hazarded, that their chief enemies were the Chancellor Evandale and the Lord Hamilton although the particular details of the conspiracy, and the names of the other powerful and ambitious persons whom it included in its ranks, have been unfortunately lost. It is certain that the house of Hamilton, which, previously to the reign of James the Second, had never possessed any very formidable power, rose into high distinction upon the ruins of the family of Boyd. At the command of the king, the Princess Mary, who was the wife of the banished Earl of Arran, was compelled to leave her husband, with whom she had fled to the continent, and return to the Scottish court. A divorce was then obtained, and the Countess of Arran gave her hand to Lord Hamilton, to whom it had been promised in 1454, in reward for the good services performed to the king's father in the great rebellion of the Earl of Douglas.[1] It is well known that by this marriage the family of Hamilton, under the reign of Mary, became the nearest heirs to the Scottish crown. Undismayed by the miserable fate of his family, the Earl of Arran, whose talents as a statesman and a warrior were superior to most of the nobles by whom he had been deserted, soon after entered the service of Charles the Bold, duke of Burgundy, in which he rose to high distinction, and became employed in negotiations with the court of England.[2]

[1] Abercromby, vol. ii. p. 397.
[2] Paston Letters, vol. i. pp. 269. 271.

The king had now reached that age when a fair prognostication might be made of his future character. He had completed his eighteenth year. He had married a princess, who although considerably his junior, was endowed, if we may trust the concurrent testimony of all historians, with a rare union of wisdom and sweetness; and it was evident that, in any endeavour to extricate himself from the difficulties with which he was surrounded, much, almost all of its success depended upon his own personal qualities. The power of the Scottish aristocracy, which had greatly increased during his own and his father's minority, required a firm hand to check its dangerous growth; and it happened, unfortunately, that the temporary triumph which had attended the intrigues of the Livingstons under James the Second, and more lately the durance in which the king himself was kept by the usurpation of the house of Boyd, had diminished in the eyes of the nobles, and even of the people, the respect entertained for the royal person, and accustomed them to look upon the sovereign as a prize to be played for and won by the most bold and fortunate faction in the state. To counteract this, the possession of a steady judgment, and the exertion of a zealous attention to the cares of government, were required from the king; and in both James was deficient. That he was so weak and even wicked a monarch as he is described by a certain class of historians, contrary to the evidence of facts, and of contemporaries, there is no ground to believe; but his education, which after the death of the excellent Kennedy had been intrusted to the Boyds, was ill calculated to produce a sovereign fitted to govern a country under the circumstances in which Scotland was then placed. It was the interest of this family, the more easily to overrule everything according to their own wishes, to give their youthful charge a distaste for public business, to indulge him to an unlimited extent in his pleasures and amusements, to humour every little foible in his cha-

racter, to keep him ignorant of the state of the country, and to avoid the slightest approach to that wholesome severity, and early discipline of the heart and the understanding, without which nothing that is excellent or useful in after life can be expected. The effects of this base system pursued by his governors were apparent in the future misfortunes of the king, whose natural disposition was good, and whose tastes and endowments were in some respects superior to his age. The defects in his character were mainly to be attributed to an ill-directed education; but from the political circumstances by which he was surrounded, they were unfortunately of a nature calculated to produce the most calamitous consequences to himself as well as to the country.

He had indeed fallen on evil days; and whether we look to the state of the continent or to the internal condition of Scotland, the task committed to the supreme governor of that country was one of no easy execution. In England, Edward the Fourth was engrossed by his ambitious schemes against France, although scarcely secure upon the throne which he had mounted amid the tumult and confusion of a civil war; and it was his policy, fearful of any renewal of the war with Scotland, to encourage discontent, and sow the seeds of rebellion in that country, which, under an ambitious and a popular prince, might, by uniting its strength to his adversary of France, have occasioned him infinite annoyance and loss. It was, on the other hand, the object of his sagacious and unprincipled rival, Lewis the Eleventh, to engage James, by every possible means, in a war with England; whilst Charles the Bold, duke of Burgundy, who had married the sister of Edward, and whose possession of the Netherlands gave him ample means of inflicting serious injury upon the commerce of Scotland, was equally anxious to interrupt the amicable relations between that country and France, and to preserve inviolate the truce between James and Edward. The aspect of affairs in England and on the continent, in relation to Scotland, was therefore one of considerable complication and difficulty, whilst the internal state of the country was equally dark and discouraging.

In the meantime, the same parliament which had destroyed the power of the Boyds continued its deliberations, and passed some important acts relative to the administration of justice, the tenures of landed property, the privileges of sanctuary, the constitution of the courts of parliament and justice-ayres, and the liability of the property of the tenants who laboured the ground for the debts of their lord.[1] Of these enactments, the last was the most important, as it affected the rights and the condition of so large and meritorious a class of the community, over whom the tyranny exercised by the higher orders appears to have been of a grievous description. Previous to this, when a nobleman fell into debt, his creditor, who sued out a brief of distress, and obtained a judgment against the debtor for a certain sum, was in the practice of having immediate recourse against the tenant of the lordly debtor's lands, seizing his whole property, to his utter loss and ruin. To remedy this, an act was passed, by which it was declared that, "to prevent the great impoverishment and destruction of the king's commons and rentallers, and of the inhabitants of the estates of the nobles, which was occasioned by the brief of distress," the poor tenants should not be distrained for their landlord's debts, further than the sum which they were due to him in rent; so that if the sum in the brief of distress exceeded the rent due, the creditor was bound to have recourse against the other goods and property of the debtor. If he had no other property except his land, it was provided that the land should be sold, and the debt paid, so that the poor tenants and labourers should not be distressed,—a legislative provision which exhibits a more liberal consideration for the labouring classes than at this period we might have been

[1] Acts of the Parliament of Scotland, vol. ii. p. 95.

prepared to expect. The debtor also was to enjoy the privilege of reclaiming his land from the purchaser, if, at any time within seven years, he should pay down the price for which it had been sold.[1] In the same parliament the three estates, after having concluded their deliberations, elected a committee of prelates, barons, and commissaries of the burghs, to whom they delegated full powers to advise upon certain important matters, and report their opinion to the next parliament. Amongst the subjects recommended for their consideration are the "inbringing or importation of bullion into the realm, the keeping the current money within the kingdom, and the reduction of the king's laws, comprehending the Regiam Majestatem, the acts, statutes, and other books, into one code or volume;" whilst the rest, meaning probably those statutes which had fallen into desuetude, or had been abrogated by posterior enactment, were unscrupulously directed to be destroyed.

The course of public events in England now became deeply interesting, exhibiting those sudden changes of fortune which seated the unfortunate Henry upon the throne, only to hurl him from it within a few months to a prison and a grave. In October 1470, the successful invasion of that country by the Earl of Warwick, and the desertion of Edward by the greater part of his army, compelled the monarch of the Yorkists to make a sudden and hurried escape to Flanders. Within five months he again landed in England, at the head of two thousand men; and such was the astonishing progress of his intrigues and of his arms, that in little more than a month, the city of London was delivered up, and the sanguinary and decisive battle of Tewkesbury completely and for ever annihilated the hopes of the house of Lancaster. Henry, as is well known, immediately fell a victim to assassination in the Tower; and his queen, after a captivity of five years, was permitted to retire to Anjou, where she died. Soon after this important event, a negotiation appears to have been opened with Scotland, and commissioners were appointed to treat of a truce, which was apparently to be cemented by some matrimonial alliance, of which the particulars do not appear.[2]

We have seen that the excellent Kennedy, who had filled the see of St Andrews with so much credit to himself and benefit to the nation, died in the commencement of the year 1466. Patrick Graham, his uterine brother, then Bishop of Brechin, a prelate of singular and primitive virtue, was chosen to succeed him; and as his promotion was obnoxious to the powerful faction of the Boyds, who then ruled everything at court, the bishop-elect secretly left the country for Rome, and on his arrival, without difficulty, procured his confirmation from Pope Paul the Second. Fearing, however, that his enemies were too strong for him, he delayed his return; and the controversy regarding the claim of the see of York to the supremacy of the Scottish Church having been revived by Archbishop Nevill, Graham, during his stay in Italy, so earnestly and successfully exerted himself for the independence of his own Church, that Sixtus the Fourth, Pope Paul's successor, became convinced by his arguments that the claim of York was completely unfounded. The result was a measure which forms an era in the history of the national Church. The see of St Andrews was erected into an archbishopric, by a bull of Sixtus the Fourth; and the twelve bishops of Scotland solemnly enjoined to be subject to that see in all future time.[3] In addition to this privilege which he had gained for his own Church, Graham, who felt deeply the abuses which had deformed it for so long a period, induced the Pope to confer upon him the office of legate for the space of three years, purposing, on his return to Scotland, to

[1] Acts of the Parliament of Scotland, vol. ii. p. 96.

[2] Rymer, Fœdera, vol. xi. p. 719.

[3] Spottiswood's History of the Church of Scotland, pp. 58-60.

make a determined effort for their removal.

But little did this good man foresee the storm which there awaited him: the persecution which a nobility who had fattened on the sale of church livings, a dissolute priesthood, and a weak and capricious monarch, were prepared to raise against him. His bulls of primacy and legation, which had been published before his arrival, seemed only to awaken the jealousy of the bishops, who accused him to the king of intruding himself into the legation, and carrying on a private negotiation with the Roman court, without having first procured the royal licence. The moment he set his foot in Scotland, he was cited to answer these complaints, and inhibited from assuming his title as archbishop, or exercising his legatine functions. In vain did he remonstrate against the sentence—in vain appeal to the bulls which he spread before the court—in vain assert what was conspicuously true, that he had been the instrument of placing the Scottish Church on a proud equality with that of the sister kingdom, and that his efforts were conscientiously directed to her good. The royal mind was poisoned; his judges were corrupted by money, which the prelates and ecclesiastics, who were his enemies, did not scruple to expend on this base conspiracy. Accusations were forged against him by Schevez, an able but profligate man, who, from his skill in the then fashionable studies of judicial astrology, had risen into favour at court; agents were employed at Rome, who raked up imputations of heresy; his bankers and creditors in that city, to whom he was indebted for large sums expended in procuring the bull for the archbishopric, insisted on premature payment; and the rector of his own university forging a quarrel, for the purpose of persecution, dragged him into his court, and boldly pronounced against him the sentence of excommunication. Despising the jurisdiction of his inferior, and confident in his own rectitude, Graham refused obedience, and bore himself with spirit against his enemies; but the unworthy conduct of the king, who corroborated the sentence, entirely broke his heart, and threw him into a state of distraction, from which he never completely recovered. He was committed to the charge of Schevez, his mortal enemy, who succeeded him in the primacy; and, unappeased in his enmity, even by success, continued to persecute his victim, removing him from prison to prison, till he died at last, overcome with age and misfortune, in the castle of Lochleven.[1]

Amidst these ecclesiastical intrigues, the attention of the privy council and the parliament was directed to France, with the design of attempting a reconciliation between the French king and the Duke of Burgundy, both of them the old and faithful allies of Scotland. The Earl of Arran had fled, we have seen, after his disgrace in Scotland, to the court of Burgundy, and his talents and intrigues were successfully employed in exciting the animosity of the duke against France and Scotland. The same banished noble had also sought a refuge in England, probably with the same design which had been pursued under similar circumstances by the Douglases, that of persuading Edward the Fourth to assist him in the recovery of his forfeited estates by an invasion of the country. To counteract these intrigues, it was resolved immediately to despatch ambassadors to these powers, whose instructions were unfortunately not communicated in open parliament, but discussed secretly amongst the lords of the privy council, owing to which precaution it is impossible to discover the nature of the political relations which then subsisted between Scotland and the continent. To the same ambassadors was committed the task of choosing a proper matrimonial alliance for the king's sister, a sum of three thousand pounds being contributed in equal portions by the three estates to meet their expenses.

About the same time, Lewis the Eleventh despatched the Sieur Con-

[1] Spottiswood's History of the Church of Scotland, p. 59.

cressault to the court of James, with the object of persuading that monarch to attack and make himself master of the county of Brittany, which he promised to assign in perpetuity to the Scottish crown; and it appears he had so far succeeded, that orders were given for a levy of six thousand men-at-arms, which the king had determined to conduct in person, whilst the three estates engaged to contribute six thousand pounds for the expenses of the expedition. Against this extraordinary project of deserting his dominions at a period when the state of the country so imperiously demanded his presence, the wiser and more patriotic portion of the nobility steadily remonstrated.[1] They represented that it must be attended with great peril to the realm if the sovereign, in his tender age, and as yet without a successor, should leave the country, torn as it then was by civil faction, by the dread of threatened war, and by ecclesiastical dissension and intrigue. They exposed to him the duplicity of the conduct of Lewis, who had delayed to put him in possession of the county of Xaintonge, his undoubted right, and now attempted to divert him from insisting on the fulfilment of his stipulations by an enterprise equally hazardous and extravagant. The prelates, in particular, drew up the strongest remonstrance upon the subject; imploring him, by the tender love which they bore to his person, not to leave his dominions open to the incursions of his enemies of England; to recall the letters already written to the King of France; and to content himself with an earnest endeavour, by the negotiations of his ambassadors, to make up the differences between Lewis the Eleventh and the Duke of Burgundy.[2] They advised him to use every method to discover the real intentions and disposition of the French monarch; and if they found him obstinate in his refusal to deliver up the county of Xaintonge, it was recommended that the ambassadors at the court of Burgundy should arraign the injustice of such conduct to the duke, and prevail upon that prince to assist the Scottish monarch in his attempt to recover his rights, as well as to get possession of the rich duchy of Gueldres, which, they contended, had become the property of the crown of Scotland, in consequence of the imprisonment of the old Duke of Gueldres by his son.[3] Burgundy, however, had himself cast the eyes of affection upon this prize; and, with the design of uniting it to his own territory, and erecting the whole into a separate sovereignty, under the title of the kingdom of Burgundy, soon after prevailed upon the imprisoned potentate to declare him his heir, and took forcible possession of the duchy.[4]

Whilst engaged in these complicated negotiations with the continent, the pacific relations with England were renewed; and the repeated consultations between the commissioners of the two countries, on the subject of those infractions of the existing truce, which were confined to the Borders, evinced an anxiety upon the part of both to remain on a friendly footing with each other.[5] Edward, indeed, since his decisive victory at Tewkesbury, was necessarily engaged in consolidating his yet unstable authority; and after having accomplished this task, he engaged in a league with the Duke of Burgundy against France, with the determination of humbling the pride of Lewis, and reviving in that country the glory of Edward the Third and Henry the Fifth. Under such circumstances, a war with Scotland would have been fatal to the concentration of his forces.

On the other hand, James and his ministers had full occupation at home, and wisely shunned all subjects of altercation which might lead to war. The tumults in the northern parts of Scotland, which had arisen in consequence of a feud between the Earls of

[1] Acts of the Parliament of Scotland, vol. ii. p. 102.
[2] Ibid. vol. ii. pp. 102, 104.
[3] Acts of the Parliament of Scotland, vol. ii. p. 104.
[4] Henault, Hist. of France, vol. i. p. 318. Harœi Annal. Ducum Brabantiæ, p. 438.
[5] Rotuli Scotiæ, vol. ii. pp. 430-439, incl.

Ross and Huntly, whose dominions and vassalry embraced almost the whole of the Highlands, rendered it absolutely requisite that immediate measures should be adopted for the "stanching the slaughters and depredations" committed by their dependants, and attempting to reduce these districts under the control of justice and civil polity.[1] A practice of selling the royal pardon for the most outrageous crimes had lately been carried to a shameless frequency; and the Lords of the Articles, in the late parliament, exhorted and entreated his highness that "he would close his hands for a certain time coming against all remissions and respites for murder, and in the meantime, previous to any personal interference in the affairs of the continent," take part of the labour upon himself, and travel through his realm, that his fame might pass into other countries, and that he might obtain for himself the reputation of a virtuous prince, who gave an example to other sovereigns in the establishment of justice, policy, and peace throughout his dominions.[2]

The plan for the amendment of the laws recommended in a late statute, appears to have made but little progress, if we may judge by a pathetic complaint, in which the lords and barons besought the sovereign to select from each estate two persons of wisdom, conscience, and knowledge, who were to labour diligently towards the "clearing up of divers obscure matters which existed in the books of the law, and created a constant and daily perplexity." These persons were recommended, in their wisdom, to "find good inventions which shall accord to law and conscience, for the decision of the daily pleas brought before the king's highness, and concerning which there was as yet no law proper to regulate their decision." This singular enactment proceeded to state, that after such persons in their wisdom had fixed upon such rules of law, the collection which they had made should be shewn at the next parliament to the king's highness and his three estates; and upon being ratified and approved, that a book should then be written, containing all the laws of the realm, which was to be kept at a place where "the lafe" may have a copy;[3] and that none other books of the law be permitted thenceforth to be quoted but those which were copies from this great original, under a threatened penalty of personal punishment and perpetual silence to be inflicted upon all who practised in the laws and infringed these injunctions.[4] A few other regulations of this meeting of the estates, regarding the manufacture of artillery, or, as they were termed, "carts of war," the regulation of the coin, the importation of bullion, the examination of goldsmiths' work, and the prohibition of English cloth as an article of import, do not require any more extended notice.[5]

On the 17th of March 1471–2, the birth of a prince, afterwards James the Fourth, had been welcomed with great enthusiasm by the people; and the king, to whom, in the present discontented and troubled state of the aristocracy, the event must have been especially grateful, was happily induced to listen to the advice of his clergy, and to renounce for the present all intentions of a personal expedition to the continent. He suffered himself also to be guided by the wisdom of the same counsellors in his resolution to respect the truce with England; and on a proposal being made by Edward the Fourth, that a lasting peace should be concluded between the two nations, on the basis of a marriage between the Prince Royal of Scotland and one of his own daughters, James despatched an embassy for the purpose of entering into a negotiation

[1] MS. extracts from the Books of the Lord High Treasurer, March 21, 1473.

[2] Acts of the Parliament of Scotland, vol. ii. p. 104.

[3] The "lafe" probably means the body of the inferior judges of the realm.

[4] Acts of the Parliament of Scotland, vol. ii. p. 105.

[5] A parliament was held at Edinburgh, October 6, 1474, of which nothing is known but its existence. Acts of the Parliament of Scotland, vol. ii. p. 108.

with the English commissioners upon this important subject.[1]

The lady, or rather the infant fixed on, for she was then only in her fourth year, was Edward's youngest daughter, the Princess Cæcilia; and the Bishop of Aberdeen, Sir John Colquhoun of Luss, and the chamberlain, James Shaw, having repaired to England, and concluded their deliberations, Edward directed the Bishop of Durham, along with Russel, the keeper of his privy seal, and John, lord Scrope, to proceed to Edinburgh, and there conclude a final treaty of marriage and alliance, which they happily accomplished.[2]

A curious illustration of the formality of feudal manners was presented by the ceremony of the betrothment. On the 26th of October, David Lindsay, earl of Crawford, John, lord Scrope, knight of the garter, along with the Chancellor Evandale, the Earl of Argyle, and various English commissioners and gentlemen, assembled in the Low Greyfriars' church at Edinburgh. The Earl of Lindsay then came forward, and declaring to the meeting that he appeared as procurator for an illustrious prince, the Lord James, by the grace of God King of Scots, demanded that the notarial letters, which gave him full powers in that character to contract the espousals between Prince James, first-born son of the said king, and heir to the throne, and the Princess Cæcilia, daughter to an excellent prince, Lord Edward, king of England, should be read aloud to the meeting. On the other side, Lord Scrope made the same declaration and demand; and these preliminaries being concluded, the Earl of Crawford, taking Lord Scrope by the right hand, solemnly, and in presence of the assembled parties, plighted his faith that his dread lord, the King of Scotland, and father of Prince James, would bestow his son in marriage upon the Princess Cæcilia of England, when both the parties had arrived at the proper age. Lord Scrope, having then taken the Scottish earl by the right hand, engaged, and, in the same solemn terms, plighted his faith for his master, King Edward of England. After which, the conditions of the treaty upon which the espousals took place, were arranged by the respective commissioners of the two countries, with an enlightened anxiety for their mutual welfare.

It was first declared that, for the better maintenance of peace and prosperity in the "noble isle called Britain," some measures ought to be adopted by the Kings of Scotland and England, which should promote a spirit of mutual love between the subjects of both realms more effectually than the common method of a truce, which was scarcely sufficient to heal the calamities inflicted by protracted jealousies and dissensions, followed as they had been by an obstinate war. A more likely method for the settlement of a lasting peace was then declared to be the intended marriage between Prince James and the Lady Cæcilia: and the conditions upon which it had been concluded were enumerated. The truce between the kingdoms, agreed upon first at York in 1464, and afterwards prolonged to 1519, was to be strictly observed by both countries. As the prince was yet only two years old, and the princess four, the two monarchs were to give their solemn word to use every effort to have the marriage celebrated whenever the parties had completed the lawful age. During the life of King James, the prince and princess were to possess the whole lands and rents which belonged to the old heritage of the prince-apparent of Scotland during the lifetime of his father, namely, the duchy of Rothesay, the earldom of Carrick, and the lordship of the Steward's lands of Scotland. With his daughter, the King of England was to give a dowry of twenty thousand marks of English money; and it was lastly agreed that, in the event of the death of the prince or princess, the heir-apparent of Scotland for the time should, upon the same terms, marry a princess of England.[3]

[1] Rymer, Fœdera, vol. xi. p. 814.
[2] Ibid. vol. xi. p. 821.
[3] Rymer, Fœdera, vol. xi. p. 821.

Such were the principal stipulations of a treaty which, had it been faithfully fulfilled by the two countries, might have guaranteed to both the blessings of peace, and essentially promoted their national prosperity. At first, too, the English monarch appears to have been extremely solicitous to fulfil the agreement. Two thousand five hundred marks of the dowry of the princess were advanced; and in consequence of some remonstrances of the Scottish king regarding the St Salvator, a vessel belonging to the see of St Andrews, which had been plundered by the English, with another ship, the property of the king himself, which had been captured by a privateer of the Duke of Gloucester, Edward despatched his envoy to the Scottish court, with instructions to meet the Admiral of Scotland, and afford complete redress upon the subject. This mission acquaints us with the singular circumstance that the nobility, and even the monarch, continued to occupy themselves in private commercial speculations, and were in the habit of freighting vessels, which not only engaged in trade, but, when they fell in with other ships similarly employed, did not scruple to attack and make prize of them.[1]

The state of the northern districts, and the continued rebellion of the Earl of Ross, now demanded the interference of government, and a parliament was assembled at Edinburgh, in which this insurgent noble was declared a traitor, and his estates confiscated to the crown. His intimate league with Edward the Fourth, his association with the rebellious Douglases, and his outrageous conduct in "burning, slaying, and working the destruction of the lands and liege subjects of the king," fully justified the severity of the sentence; but as the mountain chief continued refractory, a force was levied, and the Earls of Crawford and Athole directed to proceed against him.

The extent of these preparations, which comprehended a formidable fleet as well as a land army, intimidated Ross, and induced him, through the mediation of Huntly, to petition for pardon. Assured of the favourable disposition of the monarch, he soon after appeared in person at Edinburgh, and with many expressions of contrition, surrendered himself to the royal mercy. The earldom of Ross, with the lands of Knapdale and Kentire, and the office of hereditary Sheriff of Inverness and Nairn, were resigned by the penitent chief into the hands of the king, and inalienably annexed to the crown, whilst he himself was relieved from the sentence of forfeiture, and created a peer of parliament, under the title of John de Isla, lord of the Isles.[2] The king had now attained his full majority of twenty-five years, and, according to a usual form, he revoked all alienations in any way prejudicial to the crown, which had been made during his minority, and especially all conveyances of the custody of the royal castles, resuming the power of dismissing or continuing in office the persons to whom they had been committed. He at the same time intrusted the keeping and government of his son, Prince James, to his wife and consort, Margaret, queen of Scotland, for the space of five years; and for this purpose delivered to her the castle of Edinburgh, with an annual pension, and full power to appoint her own constable and inferior officers.[3] With the desire of cementing more strongly the friendship with England, a double alliance was proposed. His sister, the Princess Margaret, was to marry the Duke of Clarence; and his brother, the Duke of Albany, the Dowager-duchess of Burgundy, sister to Edward the Fourth. This monarch, however, appears to have courteously waved the proposal,[4] although he seized the opportunity of an intended visit of James to the shrine of St John of Amiens, to request, in pressing terms, a personal interview with

[1] Rymer, Fœdera, vol. xi. pp. 820, 850.

[2] Acts of the Parliament of Scotland, vol. ii. p. 113. "Baronem Banrentum et Dominum Dominum Parliamenti." Ferrerius, p. 393.

[3] Mag. Sig. viii. 80. Feb. 7, 1477.

[4] Letter of Edward IV. to Dr Legh his envoy. Vespasian, c. xvi. f. 121, quoted by Pinkerton's History, vol. i p. 287.

this monarch. But the Scottish king was induced to delay his pilgrimage, and in obedience to a common practice of the age, caused a large medal of gold to be struck, as a decoration for the shrine of the saint.[1]

Hitherto the reign of this prince had been in no usual degree prosperous, and his administration signalised by various acquisitions, which added strength, security, and opulence to the kingdom. The possession of the Orkneys and Shetland, the occupation of Berwick and Roxburgh, the annexation of the earldom of Ross to the crown, the establishment of the independence and liberty of the Scottish Church by the erection of St Andrews into an archbishopric, the wise and honourable marriage treaty with England, were all events, not only fortunate, but glorious. They had taken place, it is true, under the minority of the monarch; they were to be attributed principally to the counsellors who then conducted the affairs of the government; and the history of the country, after the monarch attained his full majority, presents a melancholy contrast to this early portion of his reign. It is difficult, however, to detect the causes which led to this rapid change; and it would be unjust to ascribe them wholly to the character of the king. It must be recollected that for a considerable time previous to this the feudal nobility of Europe had been in a state of extraordinary commotion and tumult; and that events had occurred which, exhibiting the deposition and imprisonment of hereditary sovereigns, diminished in the eyes of the aristocracy and of the people the inviolable character of the throne. At this time insurrection had become frequent in almost every corner of Europe; and the removal of the hereditary prince, to make way for some warlike usurper, or successful invader of royalty, was no uncommon occurrence: men's minds were induced to regard the crime with feelings of far greater lenity than had hitherto been extended to it; whilst the aristocracy, who were the instruments of such revolutions, and shared in the spoils and forfeitures which they occasioned, began to be animated by a consciousness of their own power, and a determination to stretch it to the utmost bounds of illegal aggression and kingly endurance. The revolution in England, which placed Henry the Fourth upon the throne,—the subsequent history of that kingdom during the contest between the houses of York and Lancaster,—the political struggles of France under Lewis the Eleventh,—the relative condition of the greater nobles in Germany, and of the rights of the imperial crown under the Emperor Sigismund,—the dissensions which divided the Netherlands,—and the civil factions and repeated conspiracies amongst the higher nobles, which agitated the government of Spain, all combine to establish the truth of this remark; and if we remember that the communication between Scotland and the continent was then frequent and widely spread over the kingdom, the powerful influence of such a state of things may be readily imagined.

In addition to such causes of discontent and disorganisation, there were other circumstances in the habits of the Scottish nobility, as contrasted with the pursuits of the king, which no doubt precipitated the commotions that conducted him to his ruin. The nobles were haughty and warlike, but rude, ignorant, and illiterate; when not immediately occupied in foreign hostilities, they were indulging in the havoc and plunder which sprung out of private feuds; and they regarded with contempt every pursuit which did not increase their military skill, or exalt their knightly character. At their head were the king's two brothers, the Duke of Albany and the Earl of Mar, men of bold and stirring spirits, and fitted by their personal qualities to be the favourities of the aristocracy. Their noble and athletic figures, and delight in martial exercises,—their taste for feudal pomp, for fine horses, and tall and handsome attendants,—their passion for the chase, and the splendid and generous

[1] Rymer, Fœdera, vol. xii. p. 53.

hospitality of their establishment, united to the courtesy and gracefulness of their manners, made them universally admired and beloved; whilst Albany concealed under such popular endowments an ambition which, there is reason to believe, did not scruple, even at an early period, to entertain some aspirations towards the throne.

To that of his brothers, the disposition of the king presented a remarkable contrast. It has been the fashion of some historians to represent James as a compound of indolence, caprice, and imbecility; but the assertion is rash and unfounded. His character was different from the age in which he lived, for it was unwarlike; but in some respects it was far in advance of his own times. A love of repose and seclusion, in the midst of which he devoted himself to pursuits which, though enervating, were intellectual, and bespoke an elegant and cultivated mind, rendered him unpopular amongst a nobility who treated such studies with contempt. A passion for mathematics and the study of judicial astrology, a taste for the erection of noble and splendid buildings, an addiction to the science and practice of music, and a general disposition to patronise the professors of literature and philosophy, rather than to surround himself with a crowd of fierce retainers; such were the features in the character of this unfortunate prince, which have drawn upon him the reprobation of most of the contemporary historians, but which he possessed in common with some of the most illustrious monarchs who have figured in history.[1] This turn of mind, in itself certainly rather praiseworthy than the contrary, led to consequences which were less excusable. Aware of the impossibility of finding men of congenial tastes amongst his nobles, James had the weakness, not merely to patronise, but to exalt to the rank of favourites and companions, the professors of his favourite studies. Architects, musicians, painters, and astrologers, were treated with distinction, and admitted to the familiar converse of the sovereign; whilst the highest nobles found a cold and distant reception at court, or retired with a positive denial of access. Cochrane, an architect, or as he is indignantly termed by our feudal historians, a mason; Rogers, a professor of music; Ireland, a man of literary and scientific acquirements, who had been educated in France, were warmly favoured and encouraged; whilst, even upon such low proficients as tailors, smiths, and fencing-masters, the treasures, the smiles, and encouragement of the monarch were profusely lavished. Disgusted at such conduct in the sovereign, the whole body of the aristocracy looked up to the brothers, Albany and Mar, as the chief supports of the state; and as long as the king continued on good terms with these popular noblemen, the flame of discontent and incipient revolution was checked at least, though far from extinguished. But in the ambitious contests for power, and in the sanguinary collisions of jurisdiction, which were of frequent occurrence in a feudal government, it was to be dreaded that some event might take place which should have the effect of transforming Albany from a friend into an enemy, and it was not long before these fears were realised.

The government of Berwick, and the wardenship of the eastern marches, had been committed to this warlike prince by his father, James the Second, from whom he had also inherited the important earldom of March, with the key of the eastern Border, the castle of Dunbar.[2] In the exercise of these extensive offices, a rivalry had sprung up between Albany and the powerful family of the Humes, with their fierce allies the Hepburns, and their resistance to his authority was so indignantly resented by the warden, that his enemies, to save themselves from his vengeance, attached Cochrane, the king's favourite, to their party, and, by his advice and assistance, devised a scheme for his ruin. At this period a belief in astrology and divination, and a blind devotion to such dark studies, was a predominant feature of

[1] Ferrerius, p. 391.

[2] Pitscottie, Hist. p. 115

the age. James himself was passionately addicted to them; and Schevez, the Archbishop of St Andrews, who had received his education at Louvaine, under Spernicus, a famous astrologer of the time, had not scrupled to employ them in gaining an influence over the king, and in furthering those ambitious schemes by which he intruded himself into the primacy. Aware of this, Cochrane, who well knew the weakness of his sovereign, insinuated to his new allies, the Humes, that they could adopt no surer instrument of working upon the royal mind than witchcraft. One Andrews, a Flemish astrologer, whom James had prevailed upon to reside at his court, was induced to prophesy that a lion would soon be devoured by his whelps; whilst a prophetess, who used to haunt about the palace, and pretended to have an intercourse with a familiar spirit, brought the information that Mar had been employing magical arts against the king's life,[1] and that her familiar had informed her the monarch was destined to fall by the hands of his nearest kindred. The warm affection which James entertained for his brothers at first resisted these machinations; but the result shewed that Cochrane's estimate of his sovereign's weakness was too true. His belief in the occult sciences gave a force to the insinuation; his mind brooded over the prophecy; he became moody and pensive; shut himself up amidst his books and instruments of divination; and, admitting into his privacy only his favourite adepts and astrologers, attempted to arrive at a clearer delineation of the threatened danger. To Cochrane and his brother conspirators such conduct only afforded a stronger hold over the distempered fancy of the monarch, whilst the proud character of Albany, and his violent attack upon the Humes, were represented by his enemies as confirmations of that conspiracy against his royal brother, which was to end in his deposition and death. That Albany at this moment entertained serious designs against the crown, cannot be made out by any satisfactory evidence; but that his conduct in the exercise of his office of warden of the marches was illegal and unjustifiable, is proved by authentic records. Instead of employing his high authority to establish the peace of the Borders, he had broken the truce with England by repeated slaughters and plundering expeditions; whilst within his own country he had assaulted and murdered John of Scougal, and surrounded himself by a band of desperate retainers, who executed whatever lawless commission was intrusted to them. Such conduct, combined with the dark suspicions under which he laboured, effectually roused the king; and Albany, too confident in his power and his popularity, was suddenly seized and committed to confinement in the castle of Edinburgh.[2]

Immediately after this decided measure, a parliament assembled, in which the three estates, with the laudable design of strengthening the amity with England, granted to the king a subsidy of twenty thousand marks, for the purpose of bringing to a conclusion the intended marriage between the Princess Margaret, his sister, and Lord Rivers, brother-in-law to Edward. The divided and distracted state of the country is strikingly depicted by the simple enumeration of the matters to which the Lords of the Articles were commanded to direct their attention. They were to labour for the removal of the grievous feuds and commotions, which in Angus had broken out between the Earls of Angus and Errol, the Master of Crawford and Lord Glammis; they were to attempt to put down the rebellion in Ross, Caithness, and Sutherland; to persuade to an amicable understanding the Lairds of Caerlaverock and Drumlanrig, who were at deadly feud in Annandale; to bring within the bonds of friendship the Turnbulls and the Rutherfords of Teviotdale;

[1] Ferrerius, p. 393. Lesley's History of Scotland, p. 43. Buchanan, book xii. chap. 37.

[2] Lesley's History of Scotland, p. 43. Buchanan, book xii. chap. 39.

and to promote a reconciliation between the sheriff of this district and the Lord Cranstoun.[1] The subject of coinage, the state of the commerce of the country, and the expediency of a renewal of the negotiations with the court of Burgundy, were likewise recommended for their consideration; but in the midst of their deliberations, Albany found means to elude the vigilance of his guards, and to escape from the castle of Edinburgh, an event which threatened to plunge the kingdom into a civil war.[2] The duke immediately retreated to his fortress of Dunbar, where he concentrated his force; appointed Ellem of Butterden his constable; and by increasing his military stores, and enlisting in his service some of the fiercest of the Border chieftains, seemed determined to hold out to the last extremity. The power of the king, however, soon after shook his resolution, and he took a rapid journey to France, with the design of procuring assistance from Lewis the Eleventh, and returning to Scotland at the head of a band of foreign auxiliaries. In this, however, he was unsuccessful. He was received, indeed, by the French monarch with distinction; but Lewis steadily refused to adopt any part against his brother and ally of Scotland, or to assist Albany in his unnatural rebellion.[3]

In his conduct at this moment, James exhibited a decision and an energy which vindicates his character from the charge of indolence or imbecility, so commonly brought against him. He despatched the Chancellor Evandale at the head of a strong force to lay siege to Dunbar, which, after a spirited defence of some months, was delivered up to the royal arms. A train of rude artillery accompanied the army upon this occasion. The construction of cannon, and the proper method of pointing and discharging them, appear, from contemporary records, to have been one of the subjects to which not only the king himself directed particular attention, but which he anxiously encouraged in his nobility, and even amongst his clergy. Artillerymen and skilful artisans were procured from the continent; and some of the principal entries in the treasurer's books at this period relate to the experiments made in the practice of gunnery, an art still in its infancy in Scotland. In the present siege of Dunbar, the uncommon strength of the walls withstood for some months the artillery of the besiegers; but, on the opposite side, the cannon mounted on the ramparts of the castle appear to have been well served and pointed—a single ball at one moment striking dead three of the best knights in the army, Sir John Colquhoun of Luss, Sir Adam Wallace of Craigie, and Sir James Schaw of Sauchie.[4] When at last Evandale made himself master of the castle, he found that the governor and the greater part of the garrison, availing themselves of its communication with the sea, had escaped in boats, and taken refuge in England from the fury of their enemies. It was not so easy for them, however, to escape the severe process of the law; and a parliament was summoned to carry it into immediate execution. Albany, who was still in France, was solemnly cited at the market-cross of Edinburgh and before the gates of his castle of Dunbar, to appear and answer to a charge of treason; whilst many of his boldest friends and retainers, Ellem of Butterden, George Home of Polwarth, John Blackbeird, Pait Dickson the laird, and Tom Dickson of the Tower, were summoned at the same time, and upon a similar accusation.[5]

Previous to the meeting of the three estates, however, an embassy arrived from Lewis the Eleventh, the object of which was to persuade the Scottish monarch to pardon his brother, and to assist the French king in the war which Edward the Fourth meditated against him, by the usual method of

[1] Acts of the Parliament of Scotland, vol. iii. p. 122.
[2] Lesley's History of Scotland, p. 43.
[3] Duclos. Hist. de Lewis XI. vol. ii. p. 308.
[4] Lesley, History, p. 43.
[5] Acts of the Parliament of Scotland, vol. ii. p. 128.

infringing the truce, and producing a hostile diversion on the side of the English Borders. The ambassador on this occasion was Dr Ireland, a Scottish ecclesiastic of great literary acquirements, who had been educated in France, and in whose conversation the king took so much delight, that he had anxiously endeavoured to fix him at his own court. Personally disposed, however, as he was to be pleased with the envoy, the circumstances in which the king was then placed rendered it extremely difficult to break with England. The marriage treaty which had been concluded between the Princess Cæcilia, Edward's daughter, and the heir-apparent to the Scottish throne, had been sanctioned and ratified by the payment of three instalments of the dowry.[1] Another royal marriage, also, that of the Princess Margaret of Scotland to the Earl of Rivers, was on the eve of being concluded; and Edward had lately granted passports not only to this noble lady, but to James himself, who, with a suite of a thousand persons, contemplated a pilgrimage to the shrine of St John of Amiens. These were powerful obstacles in the way of any rupture of the truces, and with the greater part of the nobility the renewal of a war with England was equally unpopular and unpolitic; but the attachment of the king to the ancient league with France prevailed; and although there is undoubtedly no evidence of the fact, a conjecture may be hazarded that James had detected, at an earlier period than is generally supposed, the existence of certain intrigues between Edward the Fourth and the Duke of Albany, which are proved by authentic documents to have taken place in the succeeding year.

It does not appear that the conduct of the Scottish monarch at this trying conjuncture is deserving of the reprobation with which it has been visited by some historians: to Albany, who had been guilty of treason, it was almost generous. He did not, indeed, agree to the request of Lewis in granting him an unconditional pardon, but he adjourned the process of forfeiture from time to time, in the hopes that he might in the interval return to his allegiance, and render himself deserving of the royal clemency; and the same lenient measure was adopted in the case of his offending vassals and retainers. Against Mar, indeed, his younger brother, who was accused of using magical arts for the purpose of causing the king's death, the royal vengeance broke out with rapid and overwhelming violence; but the death of this accomplished and unfortunate prince is involved in much obscurity. It is asserted by Lesley and Buchanan that he was suddenly seized by the king's order and hurried to Craigmillar, and that at the same time many witches and wizards, whom he had been in the habit of consulting upon the surest means of shortening the life of the monarch, were condemned to the flames.[2] The evidence derived from these unhappy wretches left no doubt of the guilt of the prince; and the choice of his death being given him, he is said to have preferred that of Petronius, directing his veins to be opened in a warm bath. In opposition to this tale of our popular historians, a more probable account is given by Drummond of Hawthornden, derived, as he affirms, from the papers of Bishop Elphinston, a contemporary of high character. According to his version of the story, before James had fixed on any definite plan of punishment, Mar, from the violence of his own temperament and the agitation attendant upon his seizure, was attacked by a fever which soon led to delirium. In this alarming state he was removed, by the king's command, from Craigmillar to a house in the Canongate at Edinburgh, where he was carefully attended by the royal physicians, who, to reduce the frenzy, opened a vein in his arm and in his temple. This, however, proved the cause of his death; for the patient, when in the warm bath, was attacked by an accession of his disorder, and

[1] Rymer, Fœdera, vol. xii. pp. 40, 41.

[2] Old Chronicle at the end of Winton, printed by Pinkerton. Hist. vol. i. p. 503. Lesley's Hist. pp. 43, 44.

furiously tearing off the bandages, expired from weakness and exhaustion before any styptic could be applied. The silence of the faction of the nobles which afterwards deposed the king upon the subject of Mar's death, at a moment when they were eager to seize every method to blacken the conduct of their sovereign, seems to corroborate the truth of this story.[1]

But although innocent of his death, James considered the treason of his brother as undeserving the leniency which he still extended to Albany; and the rich earldom of Mar was forfeited to the crown. In the midst of these transactions, Edward the Fourth, who for some time had forgotten his wonted energy in a devotion to his pleasures, began to rouse himself from his lethargy, and to complain of the duplicity of Lewis and the treachery of James, with a violence which formed a striking contrast to the quietude of his late conduct.

Nor can we be surprised at this burst of indignation, and the sudden resolution for war which accompanied it. He found that Lewis, who had amused him with a promise of marriage between the Dauphin of France and his daughter the Princess Elizabeth, had no serious intention of either accepting this alliance or fulfilling the treaty upon which it proceeded; he discovered that this crafty prince had not only proved false to his own agreement, but had corrupted the faith of his Scottish ally. Unnecessary and suspicious delays had occurred to prevent the intended marriage between James's sister and her affianced husband, the Earl of Rivers; and the same monarch, who had already received three payments of the dowry of the Princess Cæcilia, Edward's daughter, in contemplation of the marriage between this lady and his eldest son, instead of exhibiting a friendly disposition, had begun to make preparations for war, and to exhibit unequivocal intentions of violating the truce, and invading his dominions.[2]

[1] Drummond's History of the Jameses, p. 48.

[2] Rymer, vol. xii. pp. 41, 115.

Upon the part of the Scottish king, this conduct was unwise; and it is easy to see that, in his present resolution to engage in a war with England, James allowed himself to be the dupe of the French monarch, and shut his eyes to the best interests of his kingdom. He was unpopular with the great body of his nobility: they despised his studious and secluded habits; they regarded with the eyes of envy and hatred the favourites with whom he had surrounded himself, and the pacific and elegant pursuits to which he was addicted. The kingdom was full of private war and feudal disorder: the Church had been lately wounded by schism; and the lives of some of the higher clergy, under the loose superintendence of Schevez, who on the death of the unfortunate and virtuous Graham had succeeded to the primacy, were careless and corrupt. Nothing could be more injurious, to a kingdom thus situated, than to add to its internal distresses the misery of foreign war; and indeed if there was one cheering circumstance in the aspect of public affairs, it was in the prospect of peace with England. The happy effects of a long interval of amity between the two kingdoms were beginning to be apparent in the diminution of that spirit of national animosity which had been created by protracted war; and now that the nation was no longer threatened with any designs against its independence, it must have been the earnest wish of every lover of his country that it should remain at peace. So much indeed was this the conviction of one of James's most faithful counsellors, Spence, bishop of Aberdeen, that after presenting a strong protestation against the war; after explaining that a continuance of peace could alone give stability to the government, and secure the improvement and the happiness of the nation, he was so overpowered with grief when he found his remonstrances neglected, that he fell into a profound melancholy, from which he never recovered.[3]

Both countries having thus resolved

[3] Lesley's History of Scotland, p. 44.

on hostilities, Edward appointed his brother, the Duke of Gloucester, afterwards known as Richard the Third, to the office of lieutenant-general of the north, with ample powers to levy an army, and conduct the war against Scotland. Meanwhile, before Gloucester could organise his force, the Earl of Angus broke across the marches, at the head of a small army of Borderers. To these men, war was the only element in which they enjoyed existence; and, with the celerity and cruelty which marked their military operations, they ravaged Northumberland for three days, burnt Bamborough, plundered the villages and farm-granges, and drove before them their troops of prisoners and cattle without any attack or impediment.[1] Roused by this insult, and by the intelligence that the King of Scotland was about to invade his dominions in person, Edward hastened his preparations; issued orders for the equipment of a fleet against Scotland; entered into a negotiation with the Lord of the Isles and Donald Gorm, whose allegiance was never steady except in the immediate prospect of death and confiscation; and aware of the desperate condition of Albany, who was still in France, the English monarch, by private messages, in which he held out to him the prospect of dethroning his brother, and seizing the crown for himself, attached this ambitious prince to his service, and prevailed upon him to sacrifice his allegiance, and the independence of his country, to his ambition and his vengeance.[2]

Nothing could be more ungrateful than such conduct in Albany. The process of treason and forfeiture which had been raised against him in the Scottish parliament, had, with much leniency and generosity upon the part of the king, been suffered to expire, and an opportunity thus afforded for his return to his former power and station in the government. Having divorced his first wife, a daughter of the potent house of Orkney, he had married in France the Lady Anne de la Tour, daughter of the Count d'Auvergne; and there can be little doubt that the friendship of the French monarch had a principal effect in prevailing on his ally James to suspend the vengeance of the law, and hold out to the penitent offender the hope of pardon. But Albany, actuated by pride and ambition, disdained to sue for mercy; and without hesitation, entering into the proposed negotiation, threw himself into the arms of England.

In the meantime the Scottish monarch deemed it necessary to assemble his parliament, and to adopt vigorous measures. The wardenry of the east marches was committed to the Earl of Angus, that of the west to Lord Cathcart; the fortresses of Dunbar and Lochmaben were strongly garrisoned and provisioned; the Border barons, and those whose estates lay near the sea, were commanded to repair and put into a posture of defence their castles of St Andrews, Aberdeen, Tantallon, Hailes, Dunglass, Hume, Edrington, and the Hermitage; the whole body of the lieges were warned to be ready, on eight days' notice, to assemble under the royal banner, in their best array, with bows, spears, axes, and other warlike gear, and to bring with them provision for twenty days. A penalty was imposed on any soldier whose spear was shorter than five ells and a half; every axe-man who had neither spear nor bow was commanded to provide himself with a targe made of wood or leather, according to a pattern to be sent to the sheriff of the county;[3] and all former statutes concerning the regular military musters, or "weapon-schawings," were enjoined to be rigidly observed. A tax of seven thousand marks was at the same time ordered to be levied for the victualling and defence of the town of Berwick, which was threatened with a siege by England.

Having finished these preparations, James despatched an envoy to the

[1] Chronicle at the end of Winton, in Pinkerton, Hist. vol. i. p. 503. Rymer, vol. xii. p. 117.

[2] Rymer, Fœdera, vol. xii. p. 140.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 132, 133.

English monarch, with a request that he would abstain from granting aid to the Duke of Burgundy, otherwise he should esteem it his duty to send assistance to the King of France. He at the same time commissioned a herald to deliver a remonstrance to Edward in a personal interview, but this prince treated the messenger with haughty neglect, detained him long, and at last dismissed him without an answer. Indignant at such conduct, James assembled his army, and advanced in great strength to the frontiers. A singular and unexpected event, however, interrupted the expedition. Before the Scottish monarch had crossed the Borders, a nuncio from the cardinal legate, who then resided in England, arrived in the camp, and exhibiting the Papal bull, commanded the king under pain of excommunication to abstain from war, and to beware of the violation of that peace which the Holy See had enjoined to be observed by all Christian princes, that they might unite their strength against the Turks and the enemies of Christendom. To this remonstrance the Scottish king found himself obliged to pay obedience, and the army, which was numerous and well-appointed, was immediately disbanded. The king, to use the words of the parliamentary record, dispersed his great host which had been gathered for the resistance and invasion of his enemies of England, at the request and monition of the Papal bulls shewn him at the time, in the hope and trust that his enemies would have been equally submissive to the command of their holy father.[1] In this expectation, however, he was disappointed. To the Papal bulls, or the remonstrances for the preservation of the peace of Christendom, Edward paid no regard. Berwick was vigorously though ineffectually attacked, and the English army broke across the Borders, carrying fire, bloodshed, and devastation into the country, whilst a squadron of English ships appeared in the Forth, but were gallantly repulsed by Andrew Wood of Leith, whose maritime skill and courage raised him afterwards to the highest celebrity as a naval commander.[2]

But these open attacks were not so dangerous as the intrigues by which Edward contrived to seduce from the cause of their sovereign the wavering affections of some of the most powerful of the Scottish nobility. The banished Duke of Albany had, it may be believed, many friends at court, and Edward having recalled him from France, determined to carry into immediate execution his project for the dethronement of the present King of Scotland, and the substitution of his brother in his stead. These designs, in which the English monarch was supported by the banished Earl of Douglas, the Lord of the Isles, Donald Gorm, and not long after by many others of the Scottish nobility, led to an extraordinary treaty between Albany and Edward, which was concluded at Fotheringay castle.[3] In this the Scottish prince at once assumed the title of Alexander, king of Scotland, by the gift of Edward the Fourth, king of England. He then bound himself and his heirs to assist that monarch in all his quarrels against all earthly princes or persons. He solemnly engaged to swear fealty and perform homage to Edward within six months after he was put in possession of the crown and the greater portion of the kingdom of Scotland; to break the confederations which had hitherto existed between Scotland and the realm of France; to deliver into the hands of England the town and castle of Berwick, the castle of Lochmaben, and the counties of Liddesdale, Eskdale, and Annandale; whilst, in the last place, he promised, if according to the laws of the Christian Church he could make himself "clear of other women," that within a year he should marry the Lady Cæcilia, King Edward's daughter, the same princess who was already espoused to the heir-apparent of Scotland, Prince James.

[1] Acts of the Parliament of Scotland, vol. ii. p. 138.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 138, 139.

[3] On June 10, 1482. Rymer, Fœdera, vol. xii. pp. 154, 156.

In the event, however, of its being found impossible to carry into execution this contemplated alliance, he stipulated that he would not marry his son and heir, "if any such there be," without the consent of King Edward.[1]

In return for these obligations, by which Albany basely consented to sacrifice the independence of his country, the English monarch engaged to assist the duke in his designs for the occupation of the realm and crown of Scotland; and both these remarkable papers, which are yet preserved in the Tower, bear the signature Alexander R., (Rex,) evincing that Albany lost no time in assuming that royal name and dignity to which he so confidently aspired. But these were not the only dangers to which the King of Scotland was exposed. There was treachery at work amongst his nobles and in his army. The Earl of Angus, one of the most powerful men in the country, Lord Gray, and Sir James Liddal of Halkerston, appear to have been nominated by Albany as his commissioners to complete those negotiations with the English monarch, of which only the rude outline was drawn up in Fotheringay castle.

Angus was warden of the eastern marches, and as such, possessed on that side the keys of the kingdom. To the common feudal qualities of courage and cruelty this chief united a haughty pride of birth and a contempt for those intellectual studies to which his sovereign was so deeply devoted. His high offices, his opulence, and his magnificent establishment made him popular; and, by what means it is now difficult to discover, he succeeded in organising a conspiracy in conjunction with Edward and Albany, which included within its ranks the most powerful persons amongst the Scottish aristocracy, and had for its object the delivery of the monarch into the hands of his enemies. The Earls of Huntly, Lennox, Crawford, and Buchan; the Lords Gray, Hailes, Hume, and Drummond, with certain bishops whose names are not recorded, assembled their forces at the command of the king, but with the secret determination to desert him. It happened unfortunately for the prince, who was thus marked out for destruction, that he had at this moment lavished upon his favourite Cochrane the principal revenues of the earldom of Mar, and had imprudently raised this low-born person to an influence in the government which made him an object of envy and hatred. These bitter feelings were increased by some unpopular counsel given at this time to the king. At a season of great dearth he is said to have persuaded him to imitate the injurious device practised by other European princes, of debasing the current coin by an issue of "black money," or copper pieces mixed with a small quantity of silver, which increased the public distress, and raised the price of all the necessaries of life.[2] To the people, therefore, he was peculiarly obnoxious —to the barons not less so, and his character and conduct aggravated this enmity. Possessing a noble figure, and combining great personal strength and skill in the use of his weapons, with undaunted bravery, he fearlessly returned the feudal chiefs the scorn with which they regarded him. In the splendour of his apparel and establishment he eclipsed his enemies, and it is not improbable that the king was weak and shortsighted enough to enjoy the mortification of his nobility, little aware of the dark plot which at that moment was in agitation against him.

Angus and the rest of the conspirators determined to disguise their real design for the dethronement of their sovereign, under the specious cloak of a zeal for reforming the government, and dismissing from the royal councils such unworthy persons as Cochrane and his companions. Having matured their plans, the English monarch commanded his brother, the Duke of Gloucester, to assemble his army; and this able leader, along with Albany and

[1] Rymer, Fœdera, vol. xii. p. 156.

[2] Chronicle at the end of Winton, in Pinkerton's History, vol. i. p. 503. Ruddiman's Preface to Anderson's Diplomata, pp. 145, 146, of the English translation: Edinburgh, 1773.

Douglas, advanced, at the head of a great force, accompanied by a park of artillery, to the siege of Berwick. Being informed of this procedure, James commanded a muster of the whole force of his dominions in the Borough Muir, an extensive common to the west of Edinburgh; and, without the slightest suspicion of the base intentions of the conspirators, proceeded with his army, which amounted to fifty thousand men, first to Soutra, and from thence to Lauder. Cochrane, who, either in derision, or from his own presumption, was known by the title of Earl of Mar, commanded the artillery, and by the unusual splendour of his camp furniture, provoked still further the envy of the nobles.[1] His tent or pavilion was of silk; the fastening chains were richly gilt; he was accompanied by a bodyguard of three hundred stout retainers, in sumptuous liveries, and armed with light battle-axes; a helmet of polished steel, richly inlaid with gold, was borne before him; and, when not armed for the field, he wore a riding suit of black velvet, with a massive gold chain round his neck, and a hunting horn, tipt with gold and adorned with precious stones, slung across his shoulder.

On reaching Lauder, the Scottish army encamped between the church and the village; and the principal leaders, next morning, having secretly convoked a council, without sending any communication either to the sovereign or to his favourite, proceeded to deliberate upon the most effectual method of betraying their master, and fulfilling their promises to Edward and Albany. In the course of this debate, all were agreed that it would be expedient to rid themselves, without delay, of the hated Cochrane. His well-known courage,—his attachment to the king,—and the formidable force which he commanded, rendered this absolutely necessary. They hesitated, however, as to the best mode for his seizure: and, amid the general embarrassment and uncertainty, Lord Gray introduced the well-known apologue of the mice having agreed, for the common safety, that a bell should be suspended round the neck of their tyrannic enemy the cat; but, being thrown into great perplexity when it came to the selection of one bold enough to undertake the office, "Delay not as to that," cried Angus, with his characteristic audacity; "leave me to bell the cat!"—a speech which has procured for him, from the Scottish historians, the homely appellative of Archibald Bell-the-cat. It happened, by a singular coincidence, that at this critical moment Cochrane himself arrived at the porch of the church where the leaders were assembled, under the idea, probably, that it was a council of war in which they were engaged, and fatally ignorant of the subject of their deliberations. He knocked loudly, and Douglas of Lochleven, who kept the door, inquired who it was that so rudely demanded admittance. "It is I," said he, "the Earl of Mar."—"The victim has been beforehand with us," cried Angus, and stepping forward, bade Douglas unbar the gate to their unhappy visitor, who entered carelessly, carrying a riding whip in his hand, and in his usual splendid apparel. "It becomes not thee to wear this collar," said Angus, forcibly wrenching from his neck the golden chain which he wore; "a rope would suit thee better."—"And the horn too," added Douglas, pulling it from his side; "he has been so long a hunter of mischief that he needs must bear this splendid bauble at his breast." Amidst such indignities, Cochrane, a man of intrepidity, and not easily alarmed, was for a moment doubtful whether the fierce barons who now crowded round him were not indulging in some rude pastime. "My lords," said he, "is it jest or earnest?" a question which he had scarcely put when his immediate seizure effectually opened his eyes to the truth. His hands were tied; his person placed under a guard, which rendered escape impossible; and a party was instantly despatched to the royal tent. They broke in upon the monarch; seized Rogers, his master

[1] Ferrerius, pp. 395, 396.

of music, and others of his favourites, with whom he was surrounded, before a sword could be drawn in their defence; and James, who appears to have been unaccountably ignorant of the plots which had been so long in preparation against him, found himself, in the course of a few moments, a prisoner in the hands of his subjects, and beheld his friends hurried from his presence, with a brutality and violence which convinced him that their lives would be instantly sacrificed.[1] Nor was it long before his anticipations were realised. The moment the royal person was secured, the conspirators dragged Cochrane to the bridge of Lauder. It is said that this unfortunate minion besought his butchers not to put him to death, like a dog, with a common rope, but at least to gratify him by using one of the silk cords of his tent equipage; but even this was denied him, and he was hanged by a halter over the parapet of the bridge. At the same moment, Dr Rogers, a musician of great eminence, whose pupils were famous in Scotland at the time that Ferrerius composed his history,[2] shared a similar fate; and along with them, Hommil, Torphichen, Leonard, Preston, and some others, whose single fault seems to have been their low birth and the favour with which the king regarded their talents, were put to death with the like cruel and thoughtless precipitation. When they had concluded this disgraceful transaction, the nobles disbanded the army, leaving their country exposed to the advance of the English under Gloucester and Albany; and having conveyed their sovereign to the capital, they shut him up in the castle of Edinburgh.[3]

The consequences of this base conduct were, for the time, fatal to the kingdom. Berwick, whose trade formed one of the richest sources of the Scottish revenue, fell into the hands of the English; and Gloucester advanced to the capital through a country where there was no army to resist him. The Duke of Albany now deemed himself secure of the crown; and the Earl of Angus, possessed of the person of the king, awaited only a full deliberation with the English commander, to complete the revolution by the dethronement of his sovereign. But although the whole body of the Scottish nobility had united willingly with Angus, and even lent their assistance to Albany and Edward to complete the destruction of Cochrane and the king's favourites, Angus had hitherto concealed from them the darker portion of the plot; and when hints were thrown out as to his real intentions—when it was obscurely proposed that the Duke of Albany should be placed upon the throne, and their rightful sovereign deposed—he immediately discovered that he could no longer reckon upon the support of the nobles in his ultimate designs. The very idea seems to have caused an immediate separation of parties; and the friends of the government and of the sovereign, suspicious of a leader who began to speculate on treason, withdrew themselves from Angus, and collected an army near Haddington, with which they determined to keep in check the further proceedings of Albany and Gloucester.[4]

It was fortunate for these barons that the full extent of their baseness—the convention at Fotheringay, the assumption of the title of king, the sacrifice of the superiority and independence of the country—were not then revealed; and that, having been convinced that a coalition with the royal party was absolutely necessary, they had not so far betrayed themselves as to render it impossible. A negotiation was accordingly opened, in which Schevez, archbishop of St Andrews, and Livingston, bishop of Dunkeld, along with Evandale, the chancellor, and the Earl of Argyle, undertook the difficult task of promoting a union between the two parties, and effecting a reconciliation between Albany and his royal brother.[5] It

[1] Lesley's History of Scotland, p. 48. Illustrations, letter P.

[2] Ferrerius, p. 395.

[3] Chronicle at the end of Winton, in Pinkerton's History, vol. i. p. 503. July 1482.

[4] Lesley's History of Scotland, p. 49.

[5] Rymer, Fœdera, vol. xii. p. 160.

was impossible for these leaders to act under a commission from the king; for since the disastrous execution of his favourites at Lauder, this unfortunate prince had been imprisoned in the castle of Edinburgh, under the care of his two uncles, the Earls of Athole and Buchan. They engaged, therefore, on their own authority, to procure a pardon for Albany, and a restoration to his estates and dignities, provided he was content to return to his allegiance, and assist his sovereign in the government of his realm and the maintenance of justice. The friends of the duke, with the exception of those whose names had already been marked in the act of parliament, were to be included in the indemnity; and to these conditions they engaged, by the same deed, to procure the consent of the king and the confirmation of the three estates.[1]

To such an agreement, it may readily be believed that Albany was not loath to accede. It extricated him, indeed, from a situation which was not a little perilous: for he found himself unpopular amongst the nobles, and trembled lest circumstances might reveal the full extent of his baseness; whilst Gloucester, discovering that the schemes of the duke for the dethronement of his brother, and the sacrifice of the independence of the country, had excited an odium for which he was not prepared, determined to withdraw his army, and to be satisfied with the surrender of Berwick as the fruit of the campaign.[2] There was no difficulty, therefore, in effecting a full reconcilement between Albany and the king's party, which was headed by the Chancellor Evandale, and the prelates of St Andrews and Dunkeld. But it was found a less easy task to reduce to obedience the Earls of Athole and Buchan, who commanded the castle of Edinburgh, and retained possession of the person of the sovereign. These chiefs were the sons of Sir James Stewart, the black knight of Lorn, by Johanna, queen-dowager of James the First; and if we are to believe the assertions of the king himself, they not only kept the most jealous watch over his person, but would actually have slain him, had he not been protected by Lord Darnley and other barons, who remained beside him, and refused either by night or day to quit his apartment.[3] It may be doubted, however, whether the documents in which these facts appear present us with the whole truth; and it seems highly probable that, amid the dark and complicated intrigues which were carried on at this moment amongst the Scottish nobles, the faction of Athole and Buchan, instead of having a separate interest from Albany, were only branches of the same party, and kept possession of the king's person, that the duke, by the eclat of delivering his sovereign from imprisonment, might regain somewhat of the popularity which he had lost. It is certain, at least, that Albany, upon his restoration to his former high offices of warden of the east and west marches, and lord high admiral, immediately collected an army, and laid siege to Edinburgh castle. The English army[4] at the same time commenced its retreat to England; and the burgesses of Edinburgh, anxious to re-establish a good understanding between the two countries, agreed to repay to Edward the sum which had been advanced as the dowry of the Lady Cæcilia, his daughter, provided he should think it expedient to draw back from the proposed marriage between this princess and the heir-apparent of the Scottish throne.[5] In reply to this, Edward intimated his resolution that the intended alliance should not take place; and, in terms of their obligation, the full amount of the dowry already paid was re-transmitted by the citizens to England. In the meantime, after a decent interval of hostilities, the Earls of Athole and Buchan thought proper to capitulate; and the castle of Edinburgh, with its royal prisoner, was delivered into the hands of the Duke of Albany, who

[1] Rymer, Fœdera, vol. xii. p. 161.
[2] Ibid. vol. xii. p. 162.
[3] Mag. Sig. x. 44. Oct. 19, 1482.
[4] Lesley's History of Scotland, p. 49.
[5] Rymer, vol. xii. p. 161.

now became the keeper of the sovereign, and, in concert with an overwhelming party of the nobility, assumed the direction of the government.[1]

The unhappy king, thus transferred from a prison only to fall under a durance still more intolerable, had yet left to him a few friends in the Archbishop of St Andrews, the Chancellor Evandale, and the Earl of Argyle; but, for the present, it was impossible for them to make any effectual stand against the power of Albany, and they fled precipitately to their estates. Evandale was in consequence deprived of the chancellorship, which was conferred upon Laing, bishop of Glasgow; whilst Andrew Stewart, an ecclesiastic, and brother to the Earls of Athole and Buchan, was presented to the bishopric of Moray, and promoted to the office of keeper of the privy seal.

A parliament now assembled at Edinburgh, and all was conducted under the control of the Duke of Albany. The sovereign was treated with the greatest harshness; at times, being actually in fear of his life, he found himself compelled to affix his signature and authority to papers which gave the falsest views of the real state of affairs; and it is curious to trace how completely the voice of the records was prostituted to eulogise the conduct of Albany and his friends. The monarch was made to thank this usurper in the warmest terms for his delivery from imprisonment; and the abettors of the duke in his treasonable assumption of the supreme power were rewarded, under the pretence of having hazarded their lives for the protection of the king.[2]

[1] Lesley's History of Scotland, p. 50.

[2] It is evident that the whole of the acts of this parliament, 2d December 1482, the charters which passed the great seal, and the various deeds and muniments which proceeded from the great officers of the crown, ought to be viewed with the utmost suspicion by the historian. They are not only the depositions of parties in their own favour, but they are the very instruments by which they sacrificed the public good, the liberty of the lieges, and the property of the crown, to their own aggrandisement; and amid such a mass of intentional misrepresentation and error, it would be vain to look for the truth.

At the request of the three estates, the king, upon the plea of its being improper for him to expose his person to continual danger in defence of his realm against its enemies, was recommended to entreat the Duke of Albany to accept the office of lieutenant-general of the kingdom, with a provision to meet the great expenses which he must incur in the execution of its duties. By conferring this high office upon his brother, the sovereign was in reality compelled to be the instrument of superseding his own authority, and declaring himself unworthy of the crown. But this was not all. The extensive earldom of Mar and Garioch was deemed a proper remuneration for the services of the lieutenant-general in delivering his sovereign from imprisonment, and the principal offices in the government appear to have been filled by his supporters and dependants.[3] Nor did he neglect the most likely methods of courting popularity. Privileges were conferred on the provost and magistrates of the capital; the burgesses of the city were lauded for their fidelity to the king; the office of heritable sheriff within the town was conferred upon their chief magistrate; and his rights in exacting customs, and calling out the trained bands and armed citizens beneath a banner presented to them on this occasion, and denominated the Blue Blanket, were considerably extended.[4]

Sensible of the strong spirit of national enmity which still existed between the two countries, and the jealousy with which many regarded his intimacy with Edward the Fourth, the lieutenant-general issued his orders to the lieges to make ready their warlike accoutrements, and prepare for hostilities. But nothing was farther from his intentions than war. He

[3] Acts of the Parliament of Scotland, p. 143. Mag. Sig. x. 32. December 2, 1482. The expressions employed in the royal charter are evidently dictated by Albany himself. It is granted to him "for the faith, loyalty, love, benevolence, brotherly tenderness, piety, cordial service, and virtuous attention," manifested in freeing the king's person from imprisonment.

[4] Inventory to the City Chartulary, i. 33.

meant only to strengthen his popularity by the enthusiasm with which he knew such a measure would be received by a large proportion of the country, whilst, at the same time, he privately renewed his intrigues with the English monarch. A secret treaty was negotiated between the commissioners of Edward and the Earl of Angus, Lord Gray, and Sir James Liddal, the friends and envoys of the duke, by which it was agreed that, from this day forth, there should be good amity, love, and favour between the King of England and a high mighty prince, Alexander, duke of Albany, and between the subjects of either prince dwelling within the one realm and the other. By another article in the same treaty, the King of England and the Scottish ambassadors engaged to Albany, that they would not only preserve inviolate the truce between the two kingdoms, but, if need be, would assist him in the conquest of the crown of Scotland "to his proper use," so that he in his turn, and the nobles of Scotland, might do the King of England great service against his enemy the King of France. Another stipulation provided that, upon the assumption of the crown of Scotland by the duke, he should instantly and for ever annul the league between that country and France; that he should never in all time coming pretend any right or title to the town and castle of Berwick; that he should restore to his lands and dignity in Scotland the banished Earl of Douglas; and after he is king, and at freedom as to marriage, espouse one of the daughters of King Edward. In the event of Albany dying without heirs, Angus, Gray, and Liddal, the three ambassadors, engaged for themselves, and their friends and adherents, to keep their castles, houses, and strengths from James, now King of Scots, "and to live under the sole allegiance of their good and gracious prince, the King of England." In return for this base and treasonable sacrifice of his country, Edward undertook to further the views of Albany in his conquest of the crown of Scotland, by sending his brother, the Duke of Gloucester, and his cousin, the Earl of Northumberland, with such aid of archers and men-at-arms as was thought necessary for the emergency. For the present, three thousand archers were to be furnished, paid and provisioned for six weeks; and, in case there should happen "a great day of rescue," or any other immediate danger, Edward promised that the Duke of Albany should be helped by an army, through God's grace, sufficient for his protection.[1]

The contradictions and errors of our popular historians, and the deficiency of authentic records, have left the period immediately succeeding this convention between Edward and Albany in much obscurity. Its consequences seem to have been much the same as those which followed the intrigues of Angus;[2] and it is evident that, although the duke, in his endeavours to possess himself of the crown, was assisted by Athole, Buchan, Gray, Crichton, and others of the most powerful nobility in Scotland, another and a still stronger party had ranged themselves on the side of the king, incited to this more by their detestation of the schemes of Albany, by which the integrity and independence of their country as a separate kingdom were wantonly sacrificed, than by any strong affection for the person of their sovereign. The measures, too, of the duke appear to have been rash and precipitate. He accused the sovereign of countenancing a conspiracy to take him off by poison, and he retaliated by a violent but abortive attempt to seize the king, which weakened his faction, and united in still stronger opposition to his unprincipled designs the friends of order and good government.[3] By their assistance, the monarch, if he did not regain his popularity, was at least enabled to make a temporary stand against the ambition of his brother, who, convinced that he was on the verge of ruin, be-

[1] Rymer, Fœdera, vol. xii. pp. 173-175.

[2] Supra, p. 222.

[3] Lesley's History, p. 50. Original Letter, James III. to Arbuthnot. Caledonia, vol. ii. p. 602.

sought and obtained a timely reconciliation.

In a parliament which was assembled at Edinburgh in the conclusion of the eventful year 1482, Albany was compelled to acknowledge his manifold treasons, and to lay down his office of lieutenant-governor of the realm.[1] He was, however, with great weakness and inconsistency upon the part of the government, permitted to retain his wardenship of the marches; and whilst he and his adherents, the Bishop of Moray, the Earls of Athole, Buchan, and Angus, were discharged from approaching within six miles of the royal person, he was indulged by the sovereign and the parliament with a full pardon for all former offences, and permitted to retain his dignity and his estates unfettered and unimpaired. At the same time the duke delivered a public declaration, authenticated under his hand and seal, in which he pronounced it to be a false slander that the king had ever meditated his death by poison; he promised from thenceforth to discontinue his connexion with Angus, Athole, Buchan, and the rest of his faction, "not holding them in dayly household in time to come;" and he engaged to give his letters of manrent and allegiance to the sovereign under his seal and subscription, and to endure for the full term of his life. By the same agreement the most powerful of his supporters were deprived of the dignities and offices which they had abused to the purposes of conspiracy and rebellion. The Earl of Buchan was degraded from his place as great chamberlain, which was bestowed upon the Earl of Crawford; deprived of his command of deputy-warden of the middle marches; and, along with Lord Crichton and Sir James Liddal, who appear to have been considered the most dangerous of the conspirators with England, banished from the realm for the space of three years. Angus was compelled to remove from his office of great justiciar on the south half of the water of Forth, to resign his stewartry of Kirkcudbright, his sheriffdom of Lanark, and his command of the castle of Trief;[2] whilst John of Douglas, another steady associate of Albany, was superseded in his sheriffdom of Edinburgh. The whole conspiracy, by which nothing less was intended than the seizure of the crown, and the destruction of the independence of the country, was acknowledged with an indifference and effrontery which adds a deeper shade of baseness to its authors, and punished by the government with a leniency which could only have proceeded from a want of confidence between the sove reign and the great body of his nobility The causes of all this seem to have been a weakness in the party opposed to Albany, and a dread in the king's friends lest, if driven to despair, this ambitious and unprincipled man might yet be able to withstand or even to overcome them. But the result of so wavering a line of policy was the same here as in other cases where half measures are adopted. It discouraged for the time the patriotic party, which, having the power in their own hands, did not dare to employ it in the punishment of the most flagrant acts of treason which had occurred since the time of Edward Baliol; and, by convincing Albany of the indecision of the government, and the manifest unpopularity of the king, it encouraged him to renew his intercourse with England, and to repeat his attempt upon the crown.

Accordingly, soon after the dissolution of the parliament, he removed to his castle of Dunbar, which he garrisoned for immediate resistance; he provisioned his other castles; summoned around him his most powerful friends and retainers, and despatched into England Sir James Liddal, whose society he had lately so solemnly forsworn, for the purpose of renewing his league with Edward, and requesting his assistance against his enemies. In consequence of these proceedings, an English envoy, or herald, named Blue

[1] Indentura inter Jacobum Tertium et Ducem Albaniæ Alexandrum ejus fratrem. 16th March 1482. MS. General Register House, Edinburgh.

[2] MS. Indenture, as quoted above.

Mantle, was commissioned to renew the negotiations with Albany; and he himself, indefatigable in intrigue, soon after repaired to England.[1] At his desire, an English force invaded the Border, and advancing to Dunbar, was admitted into that important fortress by Gifford of Sheriffhall, to whom it had been committed, for the purpose of being delivered into the hands of his ally, King Edward. The duke himself remained in England, busy in concerting his measures with Douglas and his adherents for a more formidable expedition; and his friend Lord Crichton, one of the most powerful and warlike of the Scottish barons, engaged with the utmost ardour in concentrating his party in Scotland, and fortifying their castles for a determined resistance against the sovereign.[2]

At this critical moment happened the death of Edward the Fourth,—an event which greatly weakened the party of the duke, and contributed eventually to his total discomfiture. Its effects, however, were not immediately fatal; and Richard the Third, who usurped the throne, and with whom, when Duke of Gloucester, we have seen Albany preserving an intimate correspondence, received the renegade at court with much courtesy and distinction. In the meantime his repeated conspiracies excited, as was to be expected, a very general indignation in Scotland. A parliament assembled, in which he was again summoned to answer to a charge of treason; and, having failed to appear, the three estates found him guilty of the crime laid to his charge, declaring that his life, lands, offices, and all other possessions, were forfeited to the king. Lord Crichton, Sir James Liddal, Gifford of Sheriffhall, and a long list of their adherents, experienced a similar fate;[3] whilst the monarch of England, surrounded by difficulties, and threatened with daily plots in his own kingdom, evinced an anxiety to cultivate the most amicable relations with Scotland, and granted safe-conducts to Elphinston, bishop of Aberdeen, and the Earl of Crawford, as ambassadors from James,[4] with the object of renewing the truces, and arranging the best measures for the maintenance of peace upon the Borders.

At the same time there arrived at court, as ambassador from Charles the Eight of France, who had lately succeeded to the throne of that kingdom, Bernard Stewart, lord Aubigny. This eminent person, whose Scottish descent made him peculiarly acceptable to the king, was received with high distinction; and the ancient league between France and Scotland was renewed by the Scottish monarch with much solemnity. Soon after, an embassy, which consisted of the Earl of Argyle and Schevez, archbishop of St Andrews, with the Lords Evandale, Fleming, and Glammis, proceeded to France,[5] and in their presence, Charles the Eighth, then only in his fourteenth year, confirmed and ratified the league, and consented to grant the most prompt assistance to his ally for the expulsion of the English from the kingdom, and the reduction of his rebellious subjects.[6]

So far the treasonable conspiracy of Albany had been completely defeated by the energy of the king, and the co-operation of his nobility; and James, shaking off that indolent devotion to literature and the fine arts, which he was now convinced had too much intruded upon his severer duties as a sovereign, collected an army, and laid siege to the castle of Dunbar, which had been delivered by Albany to the enemy, and strongly garrisoned with English soldiers.[7] Meanwhile, Albany and Douglas, although courteously received by the English king, soon discovered that it was his determination to remain at peace with Scotland; and, with the

[1] Processus Forisfacture Ducis Albanie. Acts of the Parliament of Scotland, vol. ii. p. 147.

[2] Processus Forisfacture Domini de Crechtoun. Ibid. pp. 154, 134.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 152, 154, 164.

[4] Rymer, vol. xii. p. 207. Illustrations, Q.

[5] Crawford's Officers of State, p. 45.

[6] Ibid.

[7] Ferrerius, p. 397 Drummond, p. 55.

desperate resolution of making a last struggle for the recovery of their influence, they invaded Scotland, at the head of a small force of five hundred horse, and pushed forward to Lochmaben, under the fallacious idea that they would be joined by some of their late brothers in conspiracy, and by their own tenantry and vassals, who were numerous and powerful in this district. It was St Magdalene's day,[1] upon which an annual fair was held in the town, and a numerous concourse of neighbouring gentry, along with a still greater assemblage of merchants, hawkers, and labourers, were met together, all of whom, according to the fashion of the times, carried arms. On the approach of Albany and Douglas at the head of a body of English cavalry, it naturally occurred to the multitude, whose booths and shops were full of their goods and merchandise, that the object of the invaders was plunder; and with a resolution whetted by the love of property, they threw themselves upon the enemy. The conflict, however, was unequal, and on the point of terminating fatally for the brave burghers and peasantry, when a body of the king's troops, of which the chief leaders were Charteris of Amisfield, Crichton of Sanquhar, and Kirkpatrick of Kirkmichael, along with the Laird of Johnston and Murray of Cockpule, advanced rapidly to the rescue of their countrymen, and attacked the English with a fury which broke their ranks and decided the contest.[2] After a grievous slaughter and complete dispersion of their force, the Duke of Albany escaped from the field by the fleetness of his horse; but Douglas, more aged, and oppressed by the weight of his armour, was overtaken and made prisoner by Kirkpatrick, who, proud of his prize, carried him instantly to the king.[3] His career had, as we have seen, been such as to claim little sympathy. It was that of a selfish and versatile politician, ever ready to sacrifice his country to his personal ambition. But his rank and his misfortunes, his venerable aspect and gray hairs, moved the compassion of the king; and he whose treason had banished him from Scotland, who for nearly thirty years had subsisted upon the pay of its enemies, and united himself to every conspiracy against its independence, was permitted to escape with a punishment whose leniency reflects honour on the humanity of the sovereign. He was confined to the monastery of Lindores, where, after a few years of tranquil seclusion, he died,—the last branch of an ancient and illustrious race, whose power, employed in the days of their early greatness in securing the liberty of the country against foreign aggression, had latterly risen into a fatal and treasonable rivalry with the crown. It is said that, when brought into the royal presence, Douglas, either from shame or pride, turned his back upon his sovereign, and on hearing his sentence, muttered with a bitter smile, "He who may be no better, must needs turn monk."[4] His associate, Albany, first took refuge in England, and from thence passed over to France, where, after a few years, he was accidentally slain in a tournament.[5]

Two powerful enemies of the king were thus removed; and instead of a monarch who, like Edward the Fourth, encouraged rebellion amongst his subjects by intrigue and invasion, the Scottish king found in Richard the Third that calm and conciliatory disposition, which naturally arose out of his terror for the occurrence of foreign war, before he had consolidated his newly-acquired power. To him, tranquillity, and popularity with the great body of his nobility and of his people, were as necessary as to James; and had the Scottish aristocracy permitted their development, the government of either country would have been conducted upon the principles of mutual friendship and unfettered intercourse. An embassy, consisting of the Earl of

[1] 22d July.

[2] Acts of the Parliament of Scotland, vol. ii. p. 173. Mag. Sig. xi. 77. August 10, 1484.

[3] Acta Domin. Concilii, 19th January 1484. Mag. Sig. xi. 72. July 9, 1484.

[4] Drummond, Hist. p. 53. Hume's Douglas and Angus, p. 381.

[5] Anselme, Histoire Genealogique, iv. p. 529.

Argyle, the chancellor, Lord Evandale, Whitelaw, the secretary to the king, and the Lord Lyle, was received with great state by Richard at Nottingham; and having conferred with the English commissioners, the Archbishop of York, the Chancellor of England, and the Duke of Norfolk, they determined upon a truce for three years, which was to be cemented by a marriage between the heir of the Scottish crown, James, duke of Rothesay, now a boy in his fourteenth year, and Lady Anne, niece of the King of England, and daughter to the Duke of Suffolk.[1] By one of the articles of this truce, the castle of Dunbar, then in the possession of the English, having been delivered to them by Albany, and for recovery of which the King of Scotland had made great preparations, was to enjoy the benefit of the cessation of hostilities for six months; after the expiration of which period, James was to be permitted to recover it, if he was able, by force of arms.

At the same time that this embassy took place, the purport of which was openly declared, and appears in the public records, much secret intercourse was carried on between Richard the Third and the Scottish nobility and clergy, in which the names occur of several barons who took a prominent part against the king in the subsequent rebellion. From the brief and cautious manner in which the passports for such persons are worded, it is impossible to point out the subjects of their private negotiation; but there seems ground to presume that the aristocratic faction, which had been for a long time opposed to the king, and which gave him its lukewarm support solely for the purpose of crushing the desperate treasons of Albany, had now begun to intrigue with England.

From the time of the rising at Lauder, the execution of Cochrane and his associates, and the subsequent imprisonment of the sovereign, many of the Scottish nobles must have been sensible that they had subjected themselves to a charge of treason, and that the monarch only waited for the opportunity of returning power to employ it in their destruction. The blood of his favourites, shed with a wantonness and inhumanity which nothing could justify, called loud for vengeance: however devoted to the indolent cultivation of the fine arts, or enervated by the pursuit of pleasure and the society of the female sex, the character of James partook somewhat of the firmness and tenacity of revenge which distinguished his grandfather, James the First; and it was anticipated that his return to liberty, and the free exercise of his prerogative, would bring a fearful day of reckoning to the conspirators at Lauder. The instances of the Douglases, the Livingstons, and the Boyds, some of whom, previous to their trial and execution, had stood in far more favourable circumstances than most of the present nobles, must to them have been full of warning; and it was natural for those who felt the treacherous and unstable ground on which they stood, to endeavour to strengthen their faction by a secret negotiation with England. To what extent Richard listened to such advances, does not appear; but there seems to be little doubt that, on the meeting of parliament in the commencement of the year 1485, a large proportion of the Scottish aristocracy had persuaded themselves that the security of their lives and their property was incompatible with the resumption of his royal authority by the monarch whom they had insulted and imprisoned: on the other hand, it is evident that, by whatever various motives they were actuated, a more numerous party, consisting both of the clergy and of the barons, had attached themselves to the interest of the sovereign; and whilst many must be supposed to have been influenced by the selfish hope of sharing in the plunder and confiscation which invariably accompanied the destruction of a feudal faction, a few perhaps were animated by a patriotic desire to support the authority of the crown, and give strength and energy to the feeble government of the country. Such appear to have

[1] Rymer, Fœdera, vol. xii. pp. 236, 244, 250.

been the relative situations of the two great factions in the state on the opening of the parliament in the commencement of the year 1485; and most of its acts seem to have been wisely calculated for the good of the community.

It was resolved to despatch an embassy to the court of England, for the purpose of concluding the marriage between the Duke of Rothesay and the niece of Richard. Provisions were adopted for the maintenance of tranquillity throughout the realm, by holding justice-ayres twice in the year; the king was advised to call a part of the lords and head men of his kingdom, who were to bring to trial and execution all notorious offenders, and Schevez, the Archbishop of St Andrews, was to be despatched on an embassy to the court of Rome, having instructions to procure the Papal confirmation of the alliances which had been concluded between Scotland and the kingdoms of France and Denmark. Other matters of importance, affecting mutually the rights claimed by the crown, and the authority maintained by the see of Rome, were intrusted to the same diplomatist. It was to be reverently submitted to the holy father, that the king, having nominated his "tender clerk and counsellor," Alexander Inglis, to the bishopric of Dunkeld, requested the Papal confirmation of his promotion as speedily as possible; and the ambassador was to declare determinately, that his sovereign would not suffer any other person, who had presumed to procure his promotion to this bishopric contrary to the royal will, to enter into possession. An earnest remonstrance was to be presented to the Pope, requesting, that on the decease of any prelate or beneficed clergyman, his holiness would be pleased to delay the disposition to such dignities for six months, in consequence of the distance of the realm of Scotland from the Holy See, within which time the king's letter of supplication for the promotion to the vacant benefice of such persons as were agreeable to him might reach the pontiff,—a privilege which, it was remarked, the sovereign considered himself entitled to insist upon, since the prelates of his realm had the first vote in his parliament, and were members of his secret council. In the same parliament, an act of James the Second, which made it treason for any clerk to purchase benefices in the court of Rome, the presentation to which belonged to the crown, was directed to be rigidly carried into execution; and all persons who maintained or supported any ecclesiastics who had thus intruded themselves into vacant sees, were ordered to be punished by the same penalties of proscription and rebellion as the principal offenders. Some homely provisions regarding the extortion of ferrymen, who were in the habit of taking double and treble freight, and a regulation concerning the coinage, concluded the subjects which upon this occasion occupied the wisdom of Parliament.[1]

It was within four months after this, that Richard the Third was cut off in the midst of his unprincipled, but daring and energetic career, by a revolution, which placed Henry, earl of Richmond, upon the throne of England, under the title of Henry the Seventh. That a faction in Scotland supported the Earl of Richmond, we have the authority of his rival Richard for believing;[2] but who were the individuals to whom the king alluded, and to what extent their intrigues had been carried on, there are no authentic documents to determine. The plot of Richmond, as it is well known, was fostered in the court of France; and Bernard Stewart, lord Aubigny, commanded the body of French soldiers which accompanied him to England. Aubigny was, as we have seen, of Scottish extraction, and nearly related to the Earl of Lennox.[3] He had been

[1] Acts of the Par. of Scot. vol. ii. p. 173.

[2] Fenn's Paston Letters, vol. ii. p. 326.

[3] Bernard Stewart, lord Aubigny, and John Stewart of Darnley, first Earl of Lennox, were brothers' children. Mathew, earl of Lennox, to whom Aubigny left his fortune, was the son of the first earl. By his sisters, the Ladies Elizabeth, Marion, Janet, and Margaret Stewart, the Earl of Lennox was connected by marriage with the Earl of Argyle,

ambassador to the Scottish court in the year 1484; and it is by no means improbable that, to further the plot for the invasion of England by the Earl of Richmond, Aubigny, an able politician, as well as an eminent military leader, had induced that party of the Scottish lords, who were already disaffected to the king, to make a diversion by invading England, and breaking the truce between the kingdoms. The impetuosity of Richard, however, hurried on a battle before any symptoms of open hostility had broken out; and when the death of the usurper, on the field of Bosworth, had placed the crown upon the head of Henry, this monarch became naturally as desirous of cultivating peace as he had formerly been anxious to promote a war. Yet with this change of policy, the connexion of the new king with the faction of the Scottish barons which was opposed to the government of James, may have remained as intimate as before; and when many of the same nobles, who had conspired with France against Richard, began to form plots for the destruction of their own sovereign, it is by no means improbable that they looked for support to their friend and ally the King of England. The extraordinary caution with which Henry carried on his diplomatic negotiations, has rendered it exceedingly difficult for succeeding historians to detect his political intrigues, but there are some circumstances which create a presumption that the designs of James's enemies were neither unknown nor unacceptable to him.

In the meantime, however, the accession of Henry seemed, at first, to bring only a continuance of friendly dispositions between the two kingdoms. Within a month after the death of Richard, the English monarch made overtures for the establishment of peace, and appointed the Earl of Northumberland, who was warden of the marches, to open a negotiation with such envoys as James might select.[1] Accordingly, Elphinston, bishop of Aberdeen, Whitelaw, the king's secretary, with the Lords Bothwell and Kennedy, and the Abbot of Holyrood, were despatched as ambassadors; and after various conferences, a three years' truce was agreed on, preparatory to a final pacification, whilst the Earl of Angus and the Lord Maxwell were appointed wardens of the middle and western marches. Upon the part of England, the Earl of Northumberland and Lord Dacres were nominated to the same office on the eastern and western Borders, whilst overtures were made for a marriage between James, marquis of Ormond, James's second son, and the Lady Catherine, daughter of Edward the Fourth, and sister-in-law to King Henry.

Soon after this, James was deprived, by death, of his queen, the Lady Margaret, daughter to Christiern, king of Denmark, a princess whose virtues were of that modest and unobtrusive character which make little figure in history, and to whom, if we may believe the report of his enemies, the king was not warmly attached.[2] The aspersions, indeed, which were so unsparingly poured upon the memory of this monarch by the faction which dethroned and destroyed him, and the certain falsehood of some of their most confident accusations, render the stories of his alienation from his queen, and his attachment to other women, at best extremely doubtful. It is certain, however, that before a year of grief had expired, the royal widower began to think of another marriage, which should connect him more intimately in the bonds of peace and affectionate intercourse with England. The princess upon whom he had fixed his affections, was the Queen-dowager of England, the widow of Edward the Fourth, and the mother-in-law of Henry the Seventh; but before this union could be effected, a conspiracy broke out,

Lord Crichton of Sanquhar, Lord Ross of Halkhead, and Sir John Colquhoun of Luss. Douglas Peerage, vol. ii. pp. 95, 96.

[1] Rymer, vol. xii. pp. 285-316

[2] The period of her death, Pinkerton (vol. i. p. 324) observes, has not been mentioned by the Scottish historians. We are enabled, however, to approximate nearly to the exact time, by the expression used in a charter in the Morton Cartulary, dated 16th Oct. 1486, which mentions her as that time "nuper defuncta."

which had been long collecting strength and virulence, and whose effects were as fatal as its history is obscure and complicated.

We have already remarked that since the period of the conspiracy at the bridge of Lauder, in which a great body of the Scottish nobles rose against the sovereign, imprisoned his person, usurped the administration of the government, and, without trial or conviction, inflicted the punishment of death upon his principal favourites and counsellors, the barons engaged in that enterprise had never been cordially reconciled to the king, and were well aware that they lived with a charge of treason hanging over their heads—that they held their estates, and even their lives, only so long as their party continued in power. Nearly five years had now elapsed since the execution of Cochrane, and in that interval some alterations had occurred, which were quite sufficient to alarm them. The character of the king had undergone a material change; he had attached to his interest some of the wisest of the clergy, and not a few of the most powerful of his nobility; he had preserved peace with England,—had completely triumphed over the traitorous designs of his brother Albany and the Earl of Douglas,—had maintained his alliance with France, Flanders, and the northern courts of Europe, unbroken,—had supported with great firmness and dignity his royal prerogative against the encroachments of the see of Rome,—and had made repeated endeavours to enforce the authority of the laws, to improve the administration of justice, and restrain the independent power of the feudal nobility, by the enactments of his parliament, and the increasing energy and attention with which he devoted himself to the cares of government. It has indeed been the fashion of some of our popular historians to represent the character of this unfortunate prince as a base mixture of wickedness and weakness; but nothing can be more untrue than such a picture. The facts of his reign, and the measures of his government, demonstrate its infidelity to the original; and convince us that such calumnies proceeded from the voice of a faction desirous to blacken the memory of a monarch whom they had deserted and betrayed. But, even admitting that the full merit of the wise and active administration of the government which had lately taken place, did not belong to the king, it was evident to his enemies that their power was on the decline, and that their danger was becoming imminent. The character of the monarch, indeed, was far from relentless or unforgiving; and the mildness of the punishment of Albany, and the benevolence of the sentence against Douglas, might have inspired them with hope, and promoted a reconciliation; but they knew also that there were many about the royal person who would advise a different course, and to whom the forfeiture, and the expectation of sharing in their estates, would present an inviting prospect.

On consulting together they appear to have come to the resolution to muster their whole strength at the ensuing parliament; to sound the disposition of the king and his party towards accepting their submission, and encouraging a coalition; and when they had warily estimated the comparative strength of their own faction, and that of the monarch, to form their plan, either of adherence to the government and submission to the king, or of a determined rebellion against both. In the meantime, however, the death of the queen, and the treachery of those to whom the keeping and education of the heir-apparent was intrusted, enabled them to usurp an influence over his mind, which they artfully turned to their own advantage.

To gain the prince to favour their designs against his father, and to allure him to join their party, by the prospect of an early possession of the sovereign power, was a project which had been so frequently and successfully repeated in the tumultuous transactions of Scotland, and other feudal kingdoms, that it naturally suggested itself to the discontented nobles; and it was no difficult task for such crafty

and unscrupulous intriguers to work upon the youthful ambition of his character. James, duke of Rothesay, was now in his fifteenth year; his disposition was aspiring and impetuous; and, although still a boy, his mind seems to have been far beyond his years. It was easy for them to inflame his boyish feelings against his father, by the same false and unfounded tales with which they afterwards polluted the popular mind, and excused their own attacks upon the government; and previous to the meeting of the parliament, they had succeeded in estranging the affections of the son from the father, and producing in his mind a readiness to unite himself to their party. Whilst such had been the conduct of the faction which opposed itself to the government, the king, shaking off the love of indolent retirement which he had too long encouraged, mustered his friends around him, consulted with his most confidential officers, and resolved that the proceedings of the ensuing parliament should be conducted with an energy and a wisdom which should convince his enemies that they were mistaken in him.

Such appears to have been the relative position of the monarch, and the faction of the discontented nobles, at the period of the meeting of parliament, on the 13th of October 1487.[1] On that day a more numerous assemblage of the nobles attended than for many years had been seen in the Scottish parliament; and although the barons who were inimical to the king were pleased to find that they mustered in formidable strength, it was thought expedient to make overtures to the sovereign for an amicable adjustment of all their disputes and grievances, upon condition that a full pardon should be granted to all such barons as had made themselves obnoxious to the laws, by treason, rapine, or other offences. To such a proposition, however, the party of the sovereign, too confident in their own power, gave an absolute denial. They brought in an act of parliament, which declared, that for the purpose of re-establishing justice and tranquillity throughout the realm, which, in consequence of the delay of inflicting "sharp execution upon traitors and murderers, had been greatly broken and distressed, the king's highness had acceded to the request of his three estates, and was determined to refuse all applications for pardon of such crimes, or of any similar offences, for seven years to come." In return for the readiness with which the king had obeyed the wishes of his parliament, the lords spiritual and temporal, with the barons and freeholders, gave their promise that, in all time coming, they would cease to maintain, or stand at the bar with traitors, men-slayers, thieves, or robbers, always excepting that they must not be prevented from taking part in "sober wise," with their kin and friends, in the defence of their honest actions. They engaged also to assist the king and his officers to bring all such offenders to justice, that they might "underly" the law; and when, in consequence of the strength of the party accused, the coroner was unable to make his arrestment, they promised, with their armed vassals, to apprehend the delinquent. Other acts were passed at the same time, to which it is unnecessary to refer; but the proceedings were amply sufficient to convince the barons, whose rebellion against the sovereign had made them liable to a charge of treason, that extreme measures were meditated against them. The parliament was then prorogued to the 11th of January; and it was intimated by the sovereign that a full attendance of the whole body of the prelates, barons, and freeholders would be insisted on, it having been resolved that all absent members should not only be punished by the infliction of the usual fine, but in such other method as the king was wont to adopt to those who disobeyed his orders and incurred his high displeasure.

In the interval an important negotiation took place between the Bishops of Exeter and Aberdeen, who met

[1] Acts of the Parliament of Scotland, vol. ii. p. 176.

at Edinburgh, and agreed that the present truce subsisting between the kingdoms should be prolonged to the 1st of September 1489. It was determined also that the proposed marriage between the King of Scots and the Princess Elizabeth, widow of Edward the Fourth, should take place as soon as the preliminaries could be settled, in a diet to be held at Edinburgh; whilst the peace between the two countries should be further cemented by the marriage of James's second son, the Marquis of Ormond, to the Lady Catherine, third daughter of Edward the Fourth, and of James, prince of Scotland and duke of Rothesay, to another daughter of the same royal line.[1] These royal alliances were interrupted by a demand of the Scottish monarch. As a preliminary, he insisted upon the surrender of the town of Berwick, which for so long a period had been the property of Scotland, and the rich emporium of its trade. To this last condition Henry would by no means consent.[2] He was well aware of the importance of this Border fortress, as commanding a frontier against the Scots; and so high a value did he set upon its continuing in the possession of England, that, from the moment that James had pertinaciously required its restoration, all serious thoughts of the proposed alliances were at an end; and the politics of the English monarch, instead of being animated by the desire of a friendly union with the king, became infected with a partiality for the faction of his discontented nobles.

Nor had these barons, during this interval, been idle: they had consolidated their own strength; appointed various points of rendezvous for their vassals and retainers, and put their castles into a posture of defence: they had prevailed on some of the prelates and dignified clergy to join their party, whose affections the king had alienated by his severe reprobation of their proceedings, in purchasing the nomination to vacant benefices at the Papal court: they had completely corrupted the principles of the king's eldest son, the Duke of Rothesay, and prevailed upon him to lend his name and his presence to their treasonable attack upon the government; and although it cannot be asserted upon conclusive evidence, there is some reason to believe that the conspiracy was countenanced at least, if not supported, at the court of Henry the Seventh.

In the meantime the parliament, which had been prorogued to the month of January, again assembled,[3] and was attended in great force by both factions. Aware of the intrigues which were in agitation against him, and incensed at the conduct of his enemies in working upon the ambition, and alienating from him the affections, of his son and successor, James proceeded to adopt decided measures. He brought forward his second son, created him Duke of Ross, Marquis of Ormond, Earl of Edirdale, and Lord of Brechin and Novar, and by accumulating upon him these high titles, appeared to point him out as his intended successor in the throne. He strengthened his own party by raising the Barons of Drummond, Crichton of Sanquhar, Hay, and Ruthven, to the dignity and privileges of lords of parliament; he procured the consent of the three estates to the immediate departure of an embassy to the court of England, for the purpose of making a final agreement regarding his own marriage and that of the prince his son; with instructions to the ambassadors that they should insist either on the delivery of the castle and the city of Berwick into the hands of the Scots, or upon the castle being cast down and destroyed. He appointed the Earls of Crawford and Huntly to be justices on the north half beyond the Forth; and from the Lords Bothwell, Glammis, Lyle, and Drummond, directed the parliament to select two justices for the southern division of the kingdom. With regard to the rights, which he contended belonged to the crown, in

[1] Rymer, Fœdera, vol. xii. p. 329.

[2] Feb. 10, 1487. Rotuli Scotiæ, vol. ii. p. 483.

[3] Acts of the Parliament of Scotland, vol. ii p. 180.

disposing of vacant benefices,—rights which interfered with those ecclesiastical privileges claimed by the court of Rome as part of its inalienable prerogative, the conduct of the monarch was spirited and consistent. He had united the priory of Coldingham to the royal chapel at Stirling,[1] a measure which the potent Border family of the Humes affected to consider as an interference with their patronage, but upon what ground is not apparent. They made it a pretext, however, for joining the ranks of the discontented nobles; opposed the annexation in a violent and outrageous manner, and attempted to overturn the act of the king by an appeal to the Pope. The monarch, in the first instance, interdicted all persons from presenting or countenancing such appeals, under penalty of the forfeiture of life, lands, and goods; and finding this warning insufficient, he directed summonses to be issued against the offenders, ordaining them to stand their trial before a committee of parliament, and abide the sentence of the law.[2] Aware also that there would be some attempt at interference on the part of the Papal court, it was declared by the parliament that the king was bound to preserve that ancient privilege which had been conferred upon his progenitors by a special bull, and by which the Scottish monarchs were not obliged to receive any legate or messenger of that court within their realm, unless a communication were first made to the king and his council as to the nature of the message, so that it might be perfectly understood, before they were permitted to enter the kingdom, that they brought no communication contrary to the will of the sovereign or the common prosperity of his realm. If therefore, it was said, any such legate happened to be now on his journey, or hereafter arrived, the parliament recommended that messengers should be immediately sent to the Borders to prohibit him from setting his foot within the kingdom until he first explained to his highness the cause of his coming.[3] In the same parliament, and with a like resolute spirit, the king obtained an act to be passed, which insisted on his right to nominate to vacant benefices as an inalienable prerogative of his crown, and in which his determination was declared, to keep his clerk, Mr David Abercromby, unvexed and untroubled in the enjoyment of the deanery of Aberdeen, notwithstanding any attempt to the contrary by persons who founded their title of interference upon a purchase or impetration of this ecclesiastical preferment at the court of Rome.

The parliament was then adjourned to the 5th of May, and the members dispersed; but the quiet was of short continuance, and the materials of civil commotion, so long pent up in the bosom of the country, in consequence of the determined measures adopted by the king, at length took fire, and blazed forth into open rebellion. In the severity of the late acts of parliament, the Earls of Argyle and Angus, the Lords Lyle, Drummond, and Hailes, Blacader, bishop of Glasgow, and many other powerful barons who had joined their party, saw clearly the measures which were intended for their destruction, and determined, ere it was too late, to convince their enemies that their power was more formidable than they anticipated. They accordingly concentrated their forces. The young prince, already estranged from his father, and flattered with the adulation of a party which addressed him as king, issued from Stirling castle,[4] the governor of which, James Shaw of Sauchie, had early joined the conspiracy, and placed himself at the head of the insurgent army; whilst James, who had unfortunately permitted his friends and supporters to return to their estates after the dissolution of the parliament, found himself almost alone amidst a thickening tumult of revolt and violence, which it was impossible to resist. Cut to the

[1] Acts of the Parliament of Scotland, vol. ii. p. 179.
[2] Ibid. vol. ii. p. 183.
[3] Acts of the Parliament of Scotland, vol. ii. p. 183.
[4] Ibid. vol. ii. pp. 211, 223.

heart also, by seeing his own son at the head of his enemies, the king formed the sudden resolution of retiring from the southern provinces of his kingdom, which were occupied chiefly by his enemies, to those northern districts, where he could still rely on the loyalty of his subjects, and the support of a large body of his nobility. Previous to this, however, he despatched the Earl of Buchan, along with Lord Bothwell and the Bishop of Moray, on an embassy to Henry the Seventh, to solicit the assistance of that monarch, and procure the presence of a body of English troops to overawe his rebels, and defend him against the imminent dangers with which he was surrounded.[1] He at the same time deprived Argyle of the office of chancellor, and conferred that dignity upon Elphinston, bishop of Aberdeen, one of the ablest and most faithful of his counsellors; and anxious to detach his son from the party of the insurgents, and to save him from incurring the penalties of treason, he sent proposals to the misguided youth, in which the severity of the king and the affection of the father were judiciously blended. But all was in vain. From the moment that the prince left Stirling, and placed himself at the head of their party, the rebels boldly declared that James the Third, having forfeited the affections of his people, oppressed his nobility, and brought in the English to subdue the nation, had forfeited the crown, and ceased to reign. They then proclaimed his son as his successor, under the title of James the Fourth, and in his name proceeded to carry on the government. The Earl of Argyle was reinstated in his office of chancellor;[2] a negotiation was opened with the court of England; and Henry, who had looked coldly on the father, in consequence of his insisting upon the restoration of Berwick, did not scruple to treat with the son as King of Scots, and to grant passports for his ambassadors, the Bishops of Glasgow and Dunkeld, the Earl of Argyle, the Lords Lyle and Hailes, with the Master of Hume.[3]

The alarm of the king at the boldness and success of such measures was great. He was surrounded on all sides by his enemies, and in daily risk of being made a captive by his son. It was absolutely necessary, therefore, to hasten his retreat to the north; but before his preparations were completed, the rebels advanced upon Edinburgh, his baggage and money were seized at Leith, and the monarch had scarcely time to throw himself into a ship belonging to Sir Andrew Wood, and pass over to Fife, when he heard that the whole southern provinces were in arms.[4] The disaffection, however, had reached no further, and James, as he proceeded towards Aberdeen, and issued orders for the array of Strathern and Angus, had the gratification to find himself within a short time at the head of a numerous and formidable army. His uncle, Athole, with the Earls of Huntly and Crawford, and a strong assemblage of northern barons, joined his standard. Lord Lindsay of the Byres, a veteran commander of great talent and devoted loyalty, who had served in the French wars, assembled a body of three thousand footmen and a thousand horse. The old baron, who led this force in person, was mounted on a gray courser of great size and spirit. On meeting the king, he dismounted, and placing the reins in the hands of his sovereign, begged him to accept of the best warhorse in Scotland. "If your grace will only sit well," said the blunt old soldier, "his speed will outdo all I have ever seen either to flee or follow." The present was highly valued by the monarch, but it was thought ominous at the time, and led to fatal results. Soon after this, the king was met by Lord Ruthven at the head of a thousand gentlemen well mounted and clothed in complete body-armour, with a thousand archers, and a thousand infantry.[5] As he advanced, his forces

[1] Rymer, Fœdera, vol. xii. p. 334.
[2] Mag. Sig. x. 122. Feb. 18, 1487.
[3] Rymer, Fœdera, vol. xii. p. 340.
[4] Acts of the Parliament of Scotland, vol. ii. p. 202.
[5] Pitscottie, Hist. p. 140. Ferrerius. p. 400.

daily increased. The Earls of Buchan and Errol; the Lords Glammis, Forbes, and Kilmaurs; his standard-bearer, Sir William Turnbull; the Barons of Tullibardine and Pourie: Innes of Innes, Colessie of Balnamoon, Somer of Balyard, and many other loyalists, incensed at the unnatural rebellion, and commiserating the condition of the country, warmly espoused his cause; so that he soon found himself at the head of a well-appointed army of thirty thousand men, with which he instantly advanced against the rebel lords.[1]

He found them stationed with the prince his son at Blackness, on the coast between Queensferry and Borrowstounness; but the sight of his subjects arrayed in mortal conflict against each other, and commanded by the heir to his throne, affected the benevolent heart of the monarch, and induced him to listen to the advice of the Earls of Huntly and Errol, who earnestly besought permission to attempt an accommodation. A negotiation was accordingly opened, and certain articles of agreement were drawn up and corroborated by the royal signature, which, if we may believe the suspicious evidence of the conspirators themselves, were violated by the king, who suffered himself to be overruled by the stern councils of the Earl of Buchan.[2] Irritated at such undue influence, the Earl Marshal, along with Huntly, Errol, and Lord Glammis, deserted the royal camp, and retired to their respective estates; whilst Buchan, who perhaps wisely dreaded to lose an opportunity of extinguishing the rebellion which might never again occur, attacked the prince's army, and gained an advantage, which, although magnified into a victory, appears to have been little else than a severe skirmish, too undecided to deter the prince and his associates from keeping the field in the face of the royal army.[3] The odious sight of civil bloodshed, however, created in both armies an indisposition to push the battle to extremities; and the monarch, whose heart sickened at the prospect of protracted rebellion, again, by the mediation of his uncle, the Earl of Athole, made proposals for an amicable adjustment of the grievances for the redress of which his opponents were in arms. Commissioners were accordingly appointed, and a pacification agreed on, remarkable for the leniency of its stipulations, and the tenderness with which the royal parent conducted himself towards his son. It will be remembered that James was at the head of an army flushed with recent success,—that he had been grossly calumniated by the rebellious subjects whom he was now willing to admit to pardon,—that his son, a youth in his sixteenth year, had usurped his name and authority of king,—that they had filled his kingdom with confusion and bloodshed; under such circumstances, the conditions agreed on contradict in the strongest manner the representations of the popular historians regarding the character of this unfortunate prince. It was stipulated that the royal estate and authority of the sovereign should be maintained, so that the king might exercise his prerogatives, and administer justice to his lieges, throughout every part of his realm; that his person should at all times be in honour and security; and that such prelates, earls, lords, and barons, as were most noted for wisdom, prudence, and fidelity, should be kept around him. All those barons whom the prince had hitherto admitted to his confidence, and whose evil councils had done displeasure to the king, were to make honourable amends to the monarch, by adopting a wise and discreet line of conduct, under the condition that full security was to be given them for their lives, honours, and estates. The king engaged to maintain the household of the heir-apparent, and support the lords and officers of his establishment in befitting dignity, provided they were honourable and faithful persons, distinguished for wisdom and fidelity, under whose directions my lord the

[1] Acts of Parl. of Scotland, vol. ii. p. 202.
[2] Ibid. vol. ii. pp. 202, 210.
[3] Ibid. vol. ii. p. 204.

prince might become obedient to his royal father, and increase in that dutiful love and tenderness which ought ever to be preserved between them. On these conditions, the king declared his readiness to forgive and admit to his favour all the prince's friends and servants against whom he had conceived any displeasure; whilst his highness the prince intimated his willingness to dismiss from his mind all rancorous feelings against the lords spiritual and temporal who had adhered to the service of their sovereign in this time of trouble. In conclusion, it was agreed by both parties that all feuds or dissensions which at that moment existed between various great lords and barons, and more especially between the Earl of Buchan and the Lord Lyle, should be composed and concluded; so that our sovereign lord and his lieges might once more live in peace, justice, and concord, and tranquillity be re-established throughout the realm.[1]

Whatever causes led to this pacification, it is evident that the terms offered to the prince and his rebellious party were far too favourable, and that the humanity which dictated so feeble and insecure a compromise was little else than weakness. The king was then in circumstances which, if properly turned to advantage, must, in all probability, have given him a complete triumph over a conspiracy whose ramifications had spread throughout the kingdom. Under the pretence of the redress of grievances partly ideal, partly true, but principally of his own creation, a faction of his prelates and nobles had withdrawn their allegiance from their sovereign, seduced the affections of the prince, and attempted to overturn the government of the country by force of arms. To have entered into terms with such offenders upon any other basis than a full and unconditional surrender, was the extremity of folly; but instead of this, James, in his anxiety to avoid a mortal contest, which, after the advantage at Blackness, the insurgent lords would scarcely have hazarded, permitted the son who had usurped his kingly name, and the subjects who had defied the laws of the realm, to negotiate, with arms in their hands, on a footing of equality. No petition for forgiveness, no expression of penitence, was suffered to escape: the prince spoke throughout, not as a son conscious that he had offended, but as a sovereign transacting a treaty with his equal. The pacification of Blackness was, in truth, a triumph to the faction of the discontented nobles; and it required little penetration to foresee that the tranquillity which was established on such a foundation could not be of any long duration: it was a confession of weakness, pronounced at a time when firmness at least, if not severity, were the only guides to the permanent settlement of the convulsions which now agitated the kingdom.

Unconscious, however, of the dangers which surrounded him, and trusting too implicitly to the promises of the insurgents, James retired to Edinburgh, dismissed his army, and permitted the northern lords, upon whose fidelity he chiefly depended, to return to their estates. He then proceeded to reward the barons to whose zeal he had been indebted, and who had distinguished themselves in the conflict at Blackness. The Earl of Crawford was created Duke of Montrose; Lord Kilmaurs was raised to the rank of Earl of Glencairn; Sir Thomas Turnbull, his standard-bearer, Sir Andrew Wood, the Lairds of Balnamoon, Lag, Balyard, and others of his adherents, received grants of lands; and the king weakly imagined that, if any bitter feelings were yet cherished in the bosoms of his son and his nobles, the mediation of the French monarch, to whom he had lately despatched ambassadors, and the interference of the Holy See, to which a mission had been also directed, might effectually remove them.[2] Nothing, however, could be more vain than such anticipations.

[1] Acts of the Parliament of Scotland, vol. ii. p. 210.

[2] Mag. Sig. x. 69. May 18, 1488. Ibid. ix. 77, same date. Ibid. xii. 365. June 25, 1492.

The monarch had scarcely time to reorganise his court, and take up his residence within his castle of Edinburgh, when he was informed that his son, and the same fierce and ambitious faction, had resumed their schemes of insurrection, and assembled in more formidable numbers than before. It may be doubted, indeed, whether they had ever dispersed; and it is difficult to account for the infatuation of the king and his advisers, when we find them consenting to the dismissal of the royal army at the very moment the rebels continued to retain their arms.

James, however, had a few powerful friends around him, and these urged him, ere it was too late, to reassemble his army without a moment's delay. The Duke of Montrose, the Earls of Menteith and Glencairn, the Lords Erskine, Graham, Ruthven, and Lord Lindsay of the Byres, immediately collected their followers; and such was the popularity of the royal cause, that within a short time the royal army mustered in sufficient strength to take the field against the insurgents. Summonses were rapidly forwarded to the northern lords, and it was at first determined that, till these reinforcements joined the army, the sovereign should remain at Edinburgh, and avoid the risk of a battle. But this resolution, undoubtedly the wisest that could be adopted, was abandoned. It was suggested that Stirling would be a more convenient rendezvous for the northern chiefs and clans; and, abandoning his strong castle of Edinburgh, the monarch advanced to this town, attacked the prince his son, who was encamped in the neighbourhood, drove him across the Forth, and after dispersing this portion of the rebels, demanded admittance into his castle of Stirling.[1] This, however, was peremptorily refused him by Shaw of Sauchie, the governor, who had joined the prince; and before time was given him to decide whether it would be expedient to lay siege to the fortress, intelligence was brought that his enemies had pressed on from Falkirk, and occupied the high level plain above the bridge of the Torwood.[2] Upon hearing this, James immediately advanced against them, and encountered the insurgent army on a tract of ground known at the present day by the name of Little Canglar, which is situated upon the east side of a small brook called Sauchie Burn, about two miles from Stirling, and one mile from the celebrated field of Bannockburn, where Bruce had defeated Edward. Although inexperienced in war, James was not deficient in courage. By the advice of Lord Lindsay, with other veteran soldiers, the royal army, much inferior in numbers to the insurgents, was drawn up in three divisions. The first, consisting of such of the northern clans as had arrived before the battle, was commanded by the Earls of Athole and Huntly, forming an advance of Highlandmen armed with bows, long daggers, swords, and targets; in the rear division were the westland and Stirlingshire men, commanded by the Earl of Menteith, with the Lords Erskine and Graham; whilst the king himself led the main battle, composed of the burghers and commons.[3] He was splendidly armed, and rode the tall gray horse which had lately been presented to him by Lord Lindsay. On his right this veteran soldier, with the Earl of Crawford, commanded a fine body of cavalry, consisting of the chivalry of Fife and Angus; whilst Lord Ruthven, with the men of Strathern and Stormont, formed his left wing, with a body of nearly five thousand spearmen. Against this array, the rebel lords, advancing rapidly from the Torwood, formed themselves also in three battles. The first division was led by the Lord Hailes and the Master of Hume, and composed of the hardy spearmen of East Lothian and the Merse.[4] Lord Gray commanded the second line, formed of the fierce Galwegians, and the more disciplined and hardy Borderers of Liddesdale and

[1] Mag. Sig. xii. 64. 9th January 1488.

[2] Pitscottie, History, vol. i. pp. 218, 219, by Dalyell.

[3] Nimmo's Stirlingshire, p. 226. Lesley's History, p. 57.

[4] Ferrerius, p. 400. Buchanan, book xii. chap. 61. Pitscottie, History, vol. i. p. 219.

Annandale—men trained from their infancy to arms, and happy only in a state of war. In the main battle were the principal lords who had conspired against the king, and at their head the young prince himself, whose mind, torn between ambition and remorse, is said to have sought for comfort in issuing an order that no one should dare, in the ensuing conflict, to lay violent hands upon his father.[1]

The onset commenced by showers of arrows, which did little execution, as the bow, although lately more encouraged amongst the Highland troops, was never a favourite or formidable weapon with the nation. In the charge with the spear, however, the royalists drove back the enemy's first line and gained a decided advantage; but it lasted only till the advance of the Borderers, who attacked with such steady and determined valour, that they not only recovered the ground which had been lost, but made a dreadful slaughter, and at last compelled the Earls of Huntly and Menteith to retreat in confusion upon the main battle, commanded by the king. The conflict, however, was continued for some time with great obstinacy, and James's forces, although inferior in number to the insurgents, made a desperate stand. They at last, however began to waver, and the tumult and slaughter approached the spot where the king had stationed himself. The lords who surrounded his person implored him not to run the risk of death or captivity, which must bring ruin upon their cause, but to leave the field whilst there was yet a chance of safety. To this advice James consented, not unreluctantly, if we may believe his enemies; and whilst his nobles obstinately protracted the battle, the monarch spurred his horse, and fled at full speed towards the village of Bannockburn. The precaution, however, which was intended to secure his safety, only hastened his destruction. On crossing the little river Bannock, at a hamlet called Milltown, he came suddenly upon a woman drawing water, who, alarmed at the apparition of an armed horseman, threw down her pitcher, and fled into the house.[2] At this noise the horse, taking fright, swerved in the midst of his career, and the king, losing his seat and falling heavily, was so much bruised by the concussion and the weight of his armour, that he swooned away. He was instantly carried into a miller's cottage hard by, whose inmates, ignorant of the rank of the sufferer, but compassionating his distress, treated him with great humanity. They placed him on a bed; cordials, such as their poverty could bestow, were administered, and the unhappy monarch at length opening his eyes, earnestly required the presence of a priest, to whom he might confess before his death. On being questioned regarding his name and rank, he incautiously answered, "Alas! I was your sovereign this morning;" upon which the poor woman rushed out of the cottage, wringing her hands, and calling aloud for a priest to come and confess the king. By this time a party of the straggling soldiers of the prince's army had reached the spot, and one whose name is not certainly known, but whom some historians assert to have been an ecclesiastic named Borthwick, in Lord Gray's service, hearing the woman's lamentation, announced himself as a priest, and was admitted into the cottage. He found the monarch lying on a flock-bed, with a coarse cloth thrown over him, and kneeling down, inquired with apparent tenderness and anxiety how it fared with him, and whether with medical assistance he might yet recover. The king assured him that there was hope, but in the meanwhile besought him to receive his confession, upon which the ruffian bent over him, under pretence of proceeding to discharge his holy office, and drawing his dagger, stabbed

[1] Pinkerton (vol. i. p. 334) has represented the conflict which followed these dispositions as a brief skirmish, hurried to a conclusion by the timidity and flight of the king. Of this, however, there is no evidence.

[2] The cottage, called Beaton's Mill, where the king was murdered, is still pointed out to the traveller; and the great antiquity and thickness of the walls corroborate the tradition.

his unresisting victim to the heart, repeating his strokes till he perceived life to be completely extinct. The atrocity of the deed seems to have had the effect of throwing over it a studied obscurity; so that, although it is asserted that the murderer carried off the body of his sovereign, his movements were never certainly traced, and his name and condition are to this day undiscovered. A body, however, ascertained to be that of James, was afterwards found in the neighbourhood, and interred with royal honours, beside his queen, in the Abbey of Cambuskenneth.[1]

After the flight of the king, the battle was neither long nor obstinately contested. Anxious to save their army, and dispirited by a vague rumour of the death of their master, the royalist leaders retired upon Stirling, and were not hotly pursued by the prince, who is said to have been seized with sudden and overwhelming remorse on being informed of the melancholy fate of his father. Dazzled, however, by his accession to the throne, and flattered by the professions of devotedness and affection of his party, these repentant feelings for the present were evanescent, although they afterwards broke out with a strength which occasionally embittered his existence. In the battle the loss was on neither side very great, although the Earls of Glencairn and Bothwell, with the Lords Erskine, Semple, and Ruthven, were amongst the slain in the royalist party. The army of the insurgent nobles passed the night upon the field, and next day fell back upon Linlithgow, when the lords permitted their vassals to disperse, and began anxiously to consult regarding the measures which it was necessary to adopt for the immediate administration of the government.[2]

Thus perished, in the prime of life, and the victim of a conspiracy, headed by his own son, James the Third of Scotland; a prince whose character appears to have been misrepresented and mistaken by writers of two very different parties, and whose real disposition is to be sought for neither in the mistaken aspersions of Buchanan, nor in the vague and indiscriminate panegyric of some later authors. Buchanan, misled by the attacks of a faction, whose interest it was to paint the monarch whom they had deposed and murdered, as weak, unjust, and abandoned to low pleasures, has exaggerated the picture by his own prejudices and antipathies; other writers, amongst whom Abercromby is the most conspicuous, have, with an equal aberration from the truth, represented him as almost faultless. That James had any design, similar to that of his able and energetic grandfather, of raising the kingly power upon the ruins of the nobility, is an assertion not only unsupported by any authentic testimony, but contradicted by the facts which are already before the reader. That he was cruel or tyrannical is an unfounded aspersion, ungraciously proceeding from those who had experienced his repeated lenity, and who, in the last fatal scenes of his life, abused his ready forgiveness to compass his ruin. That he murdered his brother is an untruth, emanating from the same source, contradicted by the highest contemporary evidence, and abandoned by his worst enemies as too ridiculous to be stated at a time when they were anxiously collecting every possible accusation against him. Yet it figures in the classical pages of Buchanan,—a very convincing proof of the slight examination which that great man was accustomed to bestow upon any story which coincided with his preconceived opinions, and flattered his prejudices against monarchy. Equally unfounded was that imputation, so strongly urged against this prince by his insurgent nobles, that he had attempted to accomplish the perpetual subjection of the realm to England. His brother Albany had truly done so; and the original records of his negotiations, and of his homage sworn to Edward, remain to this day, although we in vain look for an account of this extraordinary intrigue in the

[1] Ferrerius, p. 400. Lesley's History, p. 57. Mag. Sig. xiii. 251. 6th April 1496.
[2] Ferrerius, p. 400.

pages of the popular historians. In this attempt to destroy the independence of the kingdom, it is equally certain that Albany was supported by a great proportion of the nobility, who now rose against the king, and whose names appear in the contemporary muniments of the period; but we in vain look in the pages of the Fœdera, or in the rolls of Westminster and the Tower, for an atom of evidence to shew that James, in his natural anxiety for assistance against a rebellion of his own subjects, had ceased for a moment to treat with Henry the Seventh as an independent sovereign. So far, indeed, from this being the case, we know that, at a time when conciliation was necessary, he refused to benefit himself by sacrificing any portion of his kingdom, and insisted on the redelivery of Berwick with an obstinacy which in all probability disgusted the English monarch, and rendered him lukewarm in his support.

James's misfortunes, in truth, are to be attributed more to the extraordinary circumstances of the times in which he lived, than to any very marked defects in the character or conduct of the monarch himself, although both were certainly far from blameless. At this period, in almost every kingdom in Europe with which Scotland was connected, the power of the great feudal nobles and that of the sovereign had been arrayed in jealous and mortal hostility against each other. The time appeared to have arrived in which both parties seemed convinced that they were on the confines of a great change, and that the sovereignty of the throne must either sink under the superior strength of the greater nobles, or the tyranny and independence of these feudal tyrants receive a blow from which it would not be easy for them to recover. In this struggle another remarkable feature is to be discerned. The nobles, anxious for a leader, and eager to procure some counterpoise to the weight of the king's name and authority, generally attempted to seduce the heir-apparent, or some one of the royal family, to favour their designs, bribing him to dethrone his parent or relative by the promise of placing him immediately upon the throne. The principles of loyalty, and the respect for hereditary succession, were thus diluted in their strength, and weakened in their conservative effects; and from the constant intercourse, both commercial and political, which existed between Scotland and the other countries of Europe, the examples of kings resisted or deposed by their nobles, and monarchs imprisoned by their children, were not lost upon the fervid and restless genius of the Scottish aristocracy. In France, indeed, the struggle had terminated under Lewis the Eleventh in favour of the crown; but the lesson to be derived from it was not the less instructive to the Scottish nobility. In Flanders and the states of Holland, they had before them the spectacle of an independent prince deposed and imprisoned by his son; and in Germany, the reign of Frederick the Third, which was contemporaneous with our James the Third, presented one constant scene of struggle and discontent between the emperor and his nobility, in which this weak and capricious potentate was uniformly defeated.[1]

In the struggle in Scotland, which ended by the death of the unfortunate monarch, it is important to observe, that whilst the pretext used by the barons was resistance to royal oppression and the establishment of liberty, the middle classes and the great body of the people took no share. They did not side with the nobles, whose efforts on this occasion were entirely selfish and exclusive. On the contrary, so far as they were represented by the commissaries of the burghs who sat in parliament, they joined the party of the king and the clergy; by whom frequent efforts were made to intro-

1 "Although," says Eneas Sylvius, in his address to the electoral princes, "we acknowledge Frederic to be our emperor and king, his title to such an appellation seems to be in no little degree precarious; for where is his power? You give him just as much obedience as you choose, and you choose to give him very little." "Tantum ei parietis quantum vultis, vultis enim minimum." A sentence which might be applied with equal if not greater force to Scotland.

duce a more effectual administration of justice, and a more constant respect for the rights of individuals, and the protection of property. With this object laws were promulgated, and alternate threats and exhortations upon these subjects are to be found in the record of each successive parliament; but the offenders continued refractory, and these offenders, it was notorious to the whole country, were the nobility and their dependants. The very men whose important offices ought, if conscientiously administered, to have secured the rights of the great body of the people,—the justiciars, chancellors, chamberlains, sheriffs, and others,—were often their worst oppressors: partial and venal in their administration of justice; severe in their exactions of obedience; and decided in their opposition to every right which interfered with their own power. Their interest and their privileges, as feudal nobles, came into collision with their duties as servants and officers of the government; and the consequence was apparent in the remarkable fact that, in the struggle between the crown and the aristocracy, wherever the greater offices were in the hands of the clergy, they generally supported the sovereign; but wherever they were intrusted to the nobility, they almost uniformly combined against him.

When we find the popular historians departing so widely from the truth in the false and partial colouring which they have thrown over the history of this reign, we may be permitted to receive their personal character of the monarch with considerable suspicion. According to these writers, James's great fault seems to have been a devotion to studies and accomplishments which, in this rude and warlike age, were deemed unworthy of his rank and dignity. He was an enthusiast in music, and took delight in architecture, and the construction of splendid and noble palaces and buildings; he was fond of rich and gorgeous dresses, and ready to spend large sums in the encouragement of the most skilful and curious workers in gold and steel; and the productions of these artists, their inlaid armour, massive gold chains, and jewel-hilted daggers, were purchased by him at high prices, whilst they themselves were admitted, if we believe the same writers, to an intimacy and friendship with the sovereign which disgusted the nobility. The true account of this was probably that James received these ingenious artisans into his palace, where he gave them employment, and took pleasure in superintending their labours—an amusement for which he might have pleaded the example of some of the wisest and most popular sovereigns. But the barons, for whose rude and unintellectual society the monarch shewed little predilection, returned the neglect with which they were unwisely treated, by pouring contempt and ridicule upon the pursuits to which he was devoted. Cochrane the architect, who had gained favour with the king by his genius in an art which, in its higher branches, is eminently intellectual, was stigmatised as a low mason. Rogers, whose musical compositions were fitted to refine and improve the barbarous taste of the age, and whose works were long after highly esteemed in Scotland, was ridiculed as a common fiddler or buffoon; and other artists, whose talents had been warmly encouraged by the sovereign, were treated with the same indignity. It would be absurd, however, from the evidence of such interested witnesses, to form our opinion of the true character of his favourites, as they have been termed, or of the encouragement which they received from the sovereign. To the Scottish barons of this age, Phidias would have been but a stonecutter, and Apelles no better than the artisan who stained their oaken wainscot. The error of the king lay, not so much in the encouragement of ingenuity and excellence, as in the indolent neglect of those duties and care of government, which were in no degree incompatible with his patronage of the fine arts. Had he possessed the energy and powerful intellect of his grandfather—had he devoted the greater portion of his time to the administration of justice, to a friendly

intercourse with his feudal nobles, and a strict and watchful superintendence of their conduct in the offices intrusted to them, he might safely have employed his leisure in any way most agreeable to him; but it happened to this prince, as it has to many a devotee of taste and sensibility, that a too exquisite perception of excellence in the fine arts, and an enthusiastic love for the studies intimately connected with them, in exclusion of more ordinary duties, produced an indolent refinement, which shrunk from common exertion, and transformed a character originally full of intellectual and moral promise, into that of a secluded, but not unamiable misanthropist. Nothing can justify the king's inattention to the cares of government, and the recklessness with which he shut his ears to the complaints and remonstrances of his nobility; but that he was cruel, unjust, or unforgiving—that he was a selfish and avaricious voluptuary—or that he drew down upon himself, by these dark portions of his character, the merited execration and vengeance of his nobles, is a representation founded on no authentic evidence, and contradicted by the uniform history of his reign and of his misfortunes.

By his queen, Margaret, daughter to Christiern, king of Denmark, James left a family of three children, all of them sons: James, his successor; a second son, also named James, created Marquis of Ormond, and who afterwards became Archbishop of St Andrews; and John, earl of Mar, who died without issue. The king was eminently handsome; his figure was tall, athletic, and well proportioned; his countenance combined intelligence with sweetness; and his deep brown complexion and black hair resembled the hue rather of the warmer climates of the south, than that which we meet in colder latitudes. His manners were dignified, but somewhat cold and distant, owing to his reserved and secluded habits of life. He was murdered in the thirty-fifth year of his age, and the twenty-eighth of his reign.

CHAPTER V.

JAMES THE FOURTH.

1488—1497.

WHEN James the Fourth appeared in arms against his father, and, in consequence of the murder of that unfortunate prince, ascended the throne, he was a youth in his seventeenth year.[1] That he had himself originated the rebellion, or taken a principal part in organising the army which dethroned the late king, does not appear; but that he was an unwilling, or a perfectly passive tool in the hands of the conspirators, is an assertion equally remote from the truth, although brought forward in the pages of our popular historians. It is, on the contrary, pretty apparent that the prince was seduced and blinded by the flattery and false views offered by the discontented barons. He was dazzled by the near

[1] He was born March 17, 1471-2; and at his accession was aged sixteen years and eighty-five days. MS. Notes of the Chronology of the reign of King James the Fourth, drawn up by the late Rev. Mr Macgregor Stirling. To this useful compilation, which is drawn almost exclusively from original documents preserved in the Register House at Edinburgh, and in other collections, I have been greatly indebted in writing the history of this reign.

prospect of a throne; and his mind, which was one of great energy and ambition, co-operated, without much persuasion, in their unworthy designs. After some time, indeed, the remonstrances of the few faithful adherents of his father awakened in him a violent fit of remorse; but his first accession to the throne does not appear to have been embittered by any feelings of this nature; and the voice of self-reproach was drowned for the time in the applauses of a flagitious but successful faction.

The leaders of this party did not lose a moment in rewarding their friends and adherents, and in distributing amongst themselves the offices which the rapid and total change in the administration of the government placed at their disposal. The assistance of the powerful families of the Humes and Hepburns was remunerated by grants dated the very day after the battle of Sauchie; the principal castles were intrusted to partisans of tried fidelity [1]—the money in the royal treasury was secured and delivered into the keeping of Sir William Knollys, lord St John of Jerusalem, treasurer to the king; and a deputation, consisting of the Bishop of Glasgow, the Earls of Angus and Argyle, with the Lords Hailes and Home, repaired to the castle to examine, and place in the hands of faithful persons, the jewels, and royal plate and apparel, which belonged to the late monarch at the time of his decease. The inventory taken upon this occasion is still preserved, and impresses us with no contemptible idea of the riches and splendour of the Scottish court.[2] After the body of the king had been interred in the Abbey of Cambuskenneth,[3] with all due solemnity, the court immediately proceeded to Perth, and held the ceremony of the coronation in the Abbey of Scone.[4] The organisation of the government, and distribution of its various offices to persons of tried fidelity, now took place. To the Prior of St Andrews was committed the keeping of the privy seal; upon the Earl of Argyle was bestowed the high office of chancellor; Hepburn, lord Hailes, was made master of the household; the Lords Lyle and Glammis became justiciaries on the south and north of the Forth; Whitelaw, sub-dean of Glasgow, was chosen to fill the office of secretary to the king; and upon the Vicar of Linlithgow, another of the now influential family of the Hepburns, was bestowed the office of clerk of the rolls and the council.[5]

From Scone the king proceeded to his palace of Stirling, where he took up his residence; and it seems to have been immediately resolved by the members of his council, that an embassy should proceed to England, for the purpose of conciliating the favourable disposition of that government to the revolution which had lately taken place in Scotland. It was perhaps dreaded that the spectacle of a prince dethroned by his subjects, under the authority of his son, was not likely to be acceptable to the English monarch; but Henry the Seventh, with his characteristic caution, did nothing precipitately. He granted safe-conducts to the Scottish ambassadors at the request of his dear cousin, James, king of Scots; whilst he, at the same time, took the precaution to provision and strengthen Berwick, a fortress against which, in the event of hostilities, he knew the chief efforts of Scotland would be directed.[6] The successful faction, however, in whose hands the government was now placed, were too anxious to preserve tranquillity at home to dream at present of a war with England. To conciliate the attachment of the youthful monarch —to reward their principal partisans—

[1] Mag. Sig. xii. 8, June 16, 1488. Ibid. xii. 7, June 17, 1488.

[2] See Illustrations, letter R.

[3] For proof of the interment of James the Third in the Abbey of Cambuskenneth, see Mag. Sig. xiii. 251, April 6, 1496.

[4] Balfour states (vol. i. p. 214) that James was crowned at Kelso. Pitscottie places the coronation, equally erroneously, at Edinburgh; and Lesley and Buchanan are silent on the subject. The Lord High Treasurer's books, under the date of July 14, 1488, prove it to have been at Scone. The day on which the coronation was held seems to have been the 26th of June.

[5] Mag. Sig. xii. 1, June 25, 1488.

[6] Rotuli Scotiæ, vol. ii. pp. 485, 486.

to arrest and disarm their enemies, and to acquire the affection of the people, by evincing an anxiety for the administration of justice, were objects which afforded them full employment. James already, at this early age, began to evince that admiration for the fair sex which wrought him much distress in his after years; and an attachment which he had formed, when Duke of Rothesay, for the Lady Margaret Drummond, the beautiful and unfortunate daughter of Lord Drummond, was encouraged by the obsequious father and the nobles who filled the principal offices about court.[1] Splendid shows and presents which were lavished on his mistress —theatrical entertainments got up for the solace of the youthful lovers— dances and masked balls at night, and hunting parties during the day, were artfully provided by those unscrupulous ministers, who knew that there is no more effectual method of degrading and destroying the human character than by dissolving it in pleasure.[2]

Amidst such revellings, however, the lords of the council devoted themselves uninterruptedly to more serious employment. Summonses of treason were issued against the Earl of Buchan, the Lords Forbes and Bothwell, along with Ross of Montgrenan, the king's advocate, whose bravery in a skirmish at the bridge of Stirling, previous to the battle of Sauchie, had endangered the life of the present king: these barons were commanded to abide their trial in the next parliament, and along with them were associated the Lairds of Cockpule, Amisfield, Innermeith, and Innes, with Sir Thomas Fotheringhame and Sir Alexander Dunbar.[3] At the same time, the lords justiciars, accompanied by the king in person, held their ambulatory courts or justice-ayres at Lanark, Dundee, Ayr, and other parts of the kingdom, taking care that the monarch should be attended by his huntsmen and falconers, his fool, "English John," and his youthful mistress, the Lady Margaret, lest a too exclusive attention to business should irritate or disgust the royal mind. A three years' truce was soon after concluded with England; and on the 6th of October the first parliament of the new reign was opened at Edinburgh with great solemnity: it was numerously attended by all the three estates. For the clergy, there appeared Schevez, archbishop of St Andrews, with the prelates of Glasgow, Dunkeld, Aberdeen, Whitchurch, Dunblane, and the Isles, fourteen abbots, four priors, and various officials, deans, archdeans, and provosts of collegiate churches: for the temporal estate, there were present the Earl of Argyle, chancellor, along with the Earls of Angus, Huntly, Morton, Errol, Marshal, Lennox, Rothes, and Athole; the Lord Hailes, master of the household, Lord Lyle, high justiciar, with the Lords Hamilton, Glammis, Gray, Oliphant, Montgomery, Drummond, Maxwell, Grahame, Carlisle, Dirleton, and other noble persons, entitled either by their rank or by their offices to sit in parliament. There were present also the commissaries of the fifteen burghs. Upon the second day a committee of parliament, known as usual by the title of the Lords of the Articles, was nominated, consisting of nine members for the clergy, fourteen for the barons, and five for the burghs; whilst a smaller judicial committee, embracing three members of each estate, was selected for the decision of those weighty causes which were brought before parliament as a court of last appeal.

These preliminaries having been arranged, the more immediate business of the parliament proceeded, and the Earl of Buchan, Lord Bothwell, Ross of Montgrenan, the king's advocate, and others who had appeared in arms at the field of Stirling, were summoned to answer upon a charge of treason

[1] Treasurer's Books, Sept. 15, 1488; and Ibid. October 3. For twa elne of fransche to be hir my Lady Mergatt, a goune, v lb. Item, for three elne of black ryssillis for a goune till her, v lb. viii. sh. Item, for golde, aysure, silver, and colouris till it, and warken of it, vi lb. xvii. sh. Item, for three unce of sylkis to frenzeis till it, xiii sh. Illustrations, letter S.

[2] Treasurer's Books, Aug. 5, 1488. To the players of Lythgow that playt to the king, v lb. Ibid. Aug. 20. Item, to dansaris and gysaris, xxxvi sh. Ibid. Aug. 16. Ibid. Aug. 10.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 201-206.

Of these persons the Earl of Buchan made confession of his guilt, and submitted himself to the king's mercy, a procedure which was rewarded by his pardon and restoration to the royal favour. The others were found guilty, and sentence of forfeiture pronounced against them; but in perusing the crimes laid to their charge, we must remember that the object of the opposite party, who now ruled all at court, was to throw the odium of the late rebellion on their opponents: they accused them accordingly of bringing in upon the kingdom their enemies of England; of an attempt to reduce under subjection and homage to that country the independent crown of Scotland; and of having advised their late sovereign, James the Third, to infringe repeatedly the stipulations which he had entered into with the nobles who were in arms against him.[1] There can be little doubt that if any party in the state were truly guilty of such crimes, it was rather that of the youthful king than those who had adhered to his father, but the treason of the prince's party had been crowned with success, and they were now all-powerful. Although Buchan therefore was pardoned upon his submission, Lord Bothwell was forfeited, and his lands and lordship erected into an earldom, and bestowed upon Lord Hailes, the master of the household; whilst the lands of Ross of Montgrenan, who at the same time was found guilty of treason, were conferred on Patrick Hume of Fast castle, for his services in the late disturbances. It was determined also that an embassy should be despatched to France, Spain, and Brittany, for the purpose not only of confirming amicable relations between Scotland and these powers, but with a special commission to search for a wife to the king, taking care that she be "a noble princess born, and descended from some worshipful house of ancient honour and dignity." The embassy was directed to consist of a bishop, an earl, a lord of parliament, a clerk, and a knight, with a retinue of fifty horse, and for the payment of their expenses, a tax of five thousand pounds was to be levied throughout the kingdom, two thousand to be contributed by the clergy, two thousand by the barons, and one thousand by the burghs; whilst at the same time it was specially directed that the contribution of the barons was to be paid by them and the free tenants, and not by the common people.

A remarkable enactment followed. In consequence of the high displeasure conceived by the sovereign against all who by their appearance in the field at Stirling were regarded as the chief promoters of the slaughter of his late father, it was directed that such of the rebels as were in possession of hereditary offices should be deprived of them for the period of three years. A determined effort was next made for the putting down of theft, robbery, and murder, crimes which at this moment were grievously prevalent, by dividing the kingdom into certain districts, over which were placed various earls and barons, to whom full authority was intrusted, and who promised on oath that they would to their utmost power exert themselves in the detection and punishment of all offenders. The Merse, Lothian, Linlithgow, and Lauderdale were committed to the care of Lord Hailes and Alexander Hume, the chamberlain, and Kirkcudbright and Wigtown also to Lord Hailes; Roxburgh, Peebles, Selkirk, and Lanark were intrusted to the Earl of Angus; whilst the same powerful baron, along with Lord Maxwell, undertook the charge of Dumfries. The districts of Carrick, Ayr, Kyle, and Cunningham were committed to Lord Kennedy, the Sheriff of Ayr, the Laird of Craigie, and Lord Montgomery; Renfrew, with Dumbarton, the Lennox, Bute, and Arran, to the Earl of Lennox, Lord Lyle, and Matthew Stewart; Stirlingshire to the Sheriff of Stirlingshire and James Shaw of Sauchie; Menteith and Straitgartney to Archibald Edmonston; Argyle, Lorn, Kentire, and Cowal to the chancellor, assisted by his son, the Master of Argyle; Glenurquhart, Glen-

[1] Acts of the Parliament of Scotland, vol. ii. p. 210.

lyon, and Glenfalloch to Neil Stewart, with Duncan and Ewen Campbell; Athole, Strathern, and Dunblane to the Earl of Athole, Lord Drummond, and Robertson of Strowan; the low country of Perthshire, and the district of Dunkeld, to Lord Oliphant; Angus, both in its highland and lowland district, to Lords Gray and Glammis, with the Master of Crawford; the sheriffdom of Fife to Lord Lindsay and the sheriff of the county; the Mearns to the Earl Marshal; and the extensive district reaching from the hilly range called the Mounth, northward to Inverness, to the Earls of Huntly and Errol, and the Laird of Inverugie.[1]

The parliament next directed their attention to the investigation of the causes of the late rebellion. From such interested judges, however, it would be vain to look for an impartial examination of this momentous question, and we accordingly find that the whole blame was thrown upon the late king and his iniquitous advisers, for so his ministers were denominated. The object of the conspirators was, of course, to deceive the people and the portion of the nobility and middle classes not immediately connected with the rebellion, and to insure safety to themselves under any subsequent revolution, by enabling them to plead a parliamentary pardon. It is not, therefore, matter of surprise that the opinion of parliament should be couched in strong terms. It declared that the whole matter having been examined by the three estates, they were unanimously of opinion, each man for himself, and under his loyalty and allegiance, that the slaughter committed in the field of Stirling, where the king's father happened to be slain, with others of his barons, was wholly to be ascribed to the offences, falsehood, and fraud practised by him and his perverse counsellors previous to this fatal conflict. The acquittal of the young king and his advisers was equally broad and energetic; and considering who it was that composed the act, it is difficult to peruse it without a smile. It observed, "that our sovereign lord that now is, and the true lords and barons who were with him in the same field, were innocent, quit, and free of the said slaughters, battle, and pursuit, and had no blame in fomenting or exciting them;" and it recommended that a part of the three estates, now assembled, selected from the bishops, great barons, and burgesses, should affix their seals to this declaration, along with the great seal of the kingdom, to be exhibited to the Pope, the Kings of France, Spain, Denmark, and such other realms as were judged expedient by the parliament.[2] In addition to these measures adopted for their own security, the party who now ruled the government commanded that all goods and movables belonging to "the poor unlanded folk," which had been seized during the troubles, should be restored; that all houses, castles, and lands, which had been plundered and occupied by the lords of the "one opinion" or of the other, should be again delivered to their proprietors; and that the heirs of those barons and gentlemen who died in arms against the king in the battle of Stirling, should be permitted to succeed to their hereditary estates and honours, notwithstanding the legal impediment arising out of their having been slain when in a state of rebellion.

The remaining provisions of this parliament related to the administration of justice, the commerce and the coinage of the realm, and the rewards and offices bestowed upon those who had figured in the late rebellion. It was directed that the king should ride in person to the various justice-ayres, and that his high justiciar should accompany him. Crichton of Ruthven was appointed warden of the mint, with injunctions to examine and assay the fineness of the gold and silver; and a singular provision was added, relative to the importation of bullion into the country. The merchants were commanded to bring in a

[1] Acts of the Parliament of Scotland, vol. i. p. 208.

[2] Acts of the Parliament of Scotland, vol. ii. p. 207.

certain bulk of pure bullion, called in the act *burnt silver*, in proportion to the description and quantity of the goods which they exported.[1] It was next ordered that the castle of Dunbar should be entirely dismantled and destroyed, on account of the damage which it had already occasioned to the kingdom, and the likelihood of greater injury, in the event of its falling into the hands of the enemies of the government. The command of Edinburgh castle, with the custody of the Lord James, duke of Ross, the king's brother, whose education had hitherto been conducted in his tender years by Shaw, the abbot of Paisley, was intrusted to Lord Hailes, master of the household; and another powerful Border baron, Alexander Hume of Hume, was rewarded for his services by the office of high chamberlain.[2] In the same parliament the penalties of treason were denounced against the purchasers of presentations to benefices at the court of Rome, whether clergy or seculars, by which great damage was occasioned to the realm, and the proceedings were closed by a declaration that all grants signed by the late king, since the 2d of February 1487, the day upon which the prince, now king, took the field in arms against his father, were revoked, because made for the assistance of that treasonable faction which had been enemies to the realm, and had occasioned the death of the king's father.[3] Such is a view of the principal proceedings of four successive parliaments, the first of which, as already noticed, met on the 6th of October 1488, and the last on the 3d of February 1489.

But although the proceedings of the faction which had deposed and slain the king were vigorously conducted, and their measures for the security of their own power and the destruction of their opponents pushed forward with feverish haste and anxiety, it was soon demonstrated that they were ineffectual. The Earl of Lennox and Lord Lyle, disappointed probably with the division of the plunder, broke into revolt. Lyle occupied the strong fortress of Dumbarton, and held it out against the king; whilst Lennox and Matthew Stewart raised their vassals, garrisoned their castles and strongholds, and communicating with the northern counties, where attachment to the government of the late monarch seems to have been stronger than around the court, succeeded in organising a serious insurrection. In the murder of James the Third they possessed a subject for powerful appeal to the feelings of the nation, of which they were not slow to avail themselves. Lord Forbes marched through the country with the king's bloody shirt displayed upon the end of a spear, and this ghastly banner excited multitudes to join the insurrection. It was affirmed, and apparently on good grounds, that those who had cruelly murdered the father, now completely overruled the son, abusing his youthful facility of temper, and intruding into the highest offices of the state. Lord Drummond, whose daughter was mistress to the young monarch, presuming upon this circumstance, insulted the authority of the laws, and with his sons and kinsmen committed open spoliation in the country;[4] whilst Hepburn of Hailes, whom we have seen, in the former reign, in the rank of a minor baron, and whose conduct was then marked only by lawlessness and ferocity, suddenly rose into a state of power and consequence, which left the oldest nobility in the background. Within less than a year he had been created Earl of Bothwell, promoted to the office of lord high admiral, intrusted with the command of the castles of Edinburgh, Lochmaben, and Treiff, with the custody of the king's brother, the Duke of

[1] Thus for every serplaith of wool, for every last of salmon, for every four hundredth of cloth, four ounces of bullion were to be brought in, for which, on its delivery to the warden of the mint, the importer was to be paid at the rate of twelve shillings an ounce.

[2] Acts of the Parliament of Scotland, vol. ii. p. 211. Mag. Sig xii. 52. October 13, 1488.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 211, 223.

[4] Acta Dominorum Concilii, Oct. 22, 1488. Ibid. Nov. 3.

Ross, and the wardenship of the western and middle marches.

But although liable to the charge of partiality and favouritism, the government of the young monarch partook of that energy which, in a greater or lesser degree, is always elicited by a revolution. Unlike his predecessors in their jealousy of the power of the nobles, James seems, on the contrary, to have early adopted the opinion, that the monarch was singly far too weak either to abridge the authority of his barons, or to rule the kingdom without their cordial co-operation. In the fate of his father he had before his eyes a terrible example of aristocratic vengeance; and aware that the same remorseless hands which had placed the crown upon his head, might, if provoked or injured, be the first to remove it in favour of a more obsequious prince, he determined to secure the stability of his throne by cultivating the affectionate attachment of his nobility. Amongst them were many men of great intellectual vigour and military talent. Drummond, the Earl of Bothwell, Hume, the high chamberlain, Argyle, the chancellor, and Whitelaw, subdean of Glasgow, the secretary, were all able assistants; and the character of the king himself, who was not only generous, openhearted, and liberal almost to profusion, but who possessed fair abilities along with great activity and courage, was well fitted to secure their friendship and command their respect.

It is not surprising, therefore, that the united strength of the throne and the nobles was too powerful for the rash attempt of Lennox. At the head of a force rapidly raised for the occasion, and accompanied by his chief officers of state, the king laid siege to his castles of Duchal and Crookston, which had been occupied by the rebels; whilst he sent Argyle, the chancellor, to assault Dumbarton, which was then held by Lord Lyle and Lennox's eldest son, Matthew Stewart.[1] Proclamation was also made, offering a reward of forty pounds' worth of land, or one thousand marks of silver, for the apprehension of these barons; and so vigorously did the young monarch proceed in his bombardment of Crookston and Duchal,[2] that he made himself master of both places within a short period. He then marched towards Dumbarton, where the rebels, having been joined by Lord Forbes, the Earl Marshal, Lord Crichton, and the Master of Huntly, only awaited the arrival of Lennox, before they made a united and desperate effort for the destruction of that faction, which, as they alleged, had enslaved the king, and risen on the ruins of the established government. They were not destined, however, to be successful. On his descent from the Highlands into the low country, Lennox's first intention was to pass the bridge at Stirling. Receiving information, however, that his enemies had occupied the town, and rendered this impracticable, he resolved to cross the Forth at a ford not far from the source of the river, and for this purpose encamped in a level plain called Talla Moss, about sixteen miles from Stirling. His force was principally composed of Highlanders; and one of these mountaineers, named Macalpin, deserting the camp, brought intelligence to the king and Lord Drummond at Dunblane, that it would be easy to destroy Lennox by a night attack, his army being so secure and careless, that they used no precautions against a surprise. This enterprise was no sooner suggested than it was carried into effect. In the middle of a dark October night, Drummond and the young monarch, at the head of a force hastily raised, and chiefly composed of the royal household, broke in upon the intrenchments of Lennox, and slew, dispersed, or made prisoners his whole army, pursuing the fugitives as far as Gartalunane, on the opposite side of the river. This success was immediately followed by the surrender

[1] Acts of the Parliament of Scotland, vol. ii. p. 223.

[2] The siege of Duchal seems to have taken place in the end of July 1489. Mag. Sig. xii. 132. July 28, 1489. There were still some remains of this ancient castle in 1792. Stat. Account, vol. iv. p. 278.

of Dumbarton, and the complete suppression of the conspiracy; after which the sovereign and his ministers appear to have acted with a judicious clemency, which had the effect of quieting the kingdom; Lennox, Huntly, Marshal, Lyle, and Forbes being not only pardoned, but soon after restored to the royal favour.

The necessary consequence of this abortive attempt at insurrection, was to give additional strength to the government; and a brilliant naval action which took place about the same time, increased its popularity. Under the former reign, Sir Andrew Wood, a naval officer of high talent and experience, had distinguished himself by his successes against the English, but his attachment to his old master, James the Third, of whom he was a favourite, prevented him from giving in his immediate adherence to the government of his son. He was soon reconciled, however, to the young monarch, who early evinced an enlightened desire to encourage the maritime strength of the country by applying himself personally to the study of ship-building and naval tactics; and about the time of Lennox's defeat, Wood commanded a small squadron in the Forth, which had been successful in its cruises against the English pirates who then infested the narrow seas.[1] Unauthorised by their own government, these audacious adventurers committed great depredations, plundering the Scottish merchantmen and fishing-craft, making descents upon the coast towns, and carrying off their riches and their inhabitants. At this time a fleet of five pirate ships had entered the Clyde, and after committing their usual havoc, greatly incensed the young monarch by giving chase to a vessel which was his own property.[2] James earnestly represented the matter to Wood, and required his assistance in repelling so unjustifiable an attack, committed at a period of profound peace, when a three years' truce existed between the two countries. Nor, whatever might be his opinion regarding the persons who managed the government, could this brave officer resist the appeal of his sovereign. With only two ships, the *Flower* and the *Yellow Carvel*, he attacked the English squadron; and, notwithstanding his inferiority in force, after an obstinate action, the five piratic vessels were captured and carried into Leith.[3] If we are to believe the Scottish historians, the King of England, although in the time of truce he could not openly attempt retaliation, or give his countenance to hostilities, took care to let it be understood that nothing would be more grateful to him than the defeat of Wood; and Stephen Bull, an enterprising merchant and seaman of London,[4] having fitted out three stout vessels, manned by picked mariners, a body of cross-bows, and pikemen, and various knights who volunteered their services, proceeded with much confidence of success against the Scottish commander. Bull, who had intelligence that Wood had sailed for Flanders, and was soon expected on his voyage homeward, directed his course to the May, a small island in the mouth of the Firth of Forth, about an equal distance from the opposite shores of Fife and Lothian, behind which he cast anchor, and, concealed from any vessels entering the Forth, awaited the expected prize.

[1] That the exploits of Sir Andrew Wood were performed against pirates is proved by a charter dated May 18, 1491. Mag. Sig. xii. 304. Illustrations, letter T.

[2] Treasurer's Books. Feb. 18, 1489. Item, after the kingis schip wes chaysit in Dunbertane be the Inglismen, and tynt hir cabillis and oder graytht sent with Johne of Haw, xviii lib.

[3] It is probable that this first action of Sir Andrew Wood took place some time after the 18th of February 1489.

[4] I find in the valuable historical collections, entitled "Excerpta Historica," edited by Sir Harris Nicolas, No. I. p. 118, the following entry in the privy purse expenses of Henry the Seventh:—"To Steven Bull and Barnesfeld, seeking for Perkin, for their costs, £1, 6s. 8d." Perkin Warbeck, at this time, (1498,) had eluded his keepers, and fled to the sea-coast; and Henry, afraid of his making his escape from the kingdom, employed Bull, probably his most active sea-captain, to watch the coast and recapture him. This is corroborated by the next entry:—"To four yeomen watching one night with four botes, 6s. 8d."

It was not long before two vessels appeared in the looked-for course off St Abb's Head, a promontory on the coast of Berwickshire; and the English captain, who had seized some Scottish fishing-boats with their crews, sent the prisoners aloft to watch their approach, and report whether it was Wood. On their answering in the affirmative, Bull cleared his ships for action, and the Scottish admiral, who sailed fearlessly onward and little dreamt of interruption, found himself suddenly in the presence of the enemy. He had time, however, for the necessary orders; and such was the excellent discipline of his ships, and rapidity of his preparations, that the common mischiefs of a surprise were prevented, and his gunners, pikemen, crossbows, and fire-casters stood ready at their several stations, when he bore down upon the English. All this had taken place in the early dawn of a summer morning; and whilst Wood skilfully gained the windward of his opponents, the sun rose, and shining full upon them, exhibited their large size and splendid equipment to the best advantage. Bull instantly opened his cannonade, with the object of deciding the action whilst the Scots were still at some distance; but, from the inferior dimensions of their ships, the shot passed over them and took little effect; whilst their opponent hoisted all his canvas, and ran close in upon the English, casting out his grappling hooks, and even lashing the enemy's ships by cables to his own. A close and dreadful combat succeeded, in which both parties fought with equal spirit, so that night parted the combatants, and found the action undecided. In the morning the trumpets sounded, and the fight was renewed with such determined bravery, that the mariners, occupied wholly with the battle, took little heed to the management of their vessels, and permitted themselves to be drifted, by a strong ebb-tide, into the mouth of the Tay. Crowds of men, women, and children now flocked to the shore, exhibiting, by their cries and gesticulations, the interest they took in their countrymen; and at last, though with great difficulty, the valour and superior seamanship of Wood prevailed over his brave opponent. The three English ships were captured and carried into Dundee, whilst Bull, their commander, was presented by Wood to his master, King James, who received him with much courtesy, and after remonstrating against the injuries inflicted by the English privateers upon the Scottish shipping, dismissed him without ransom, and gave the prisoners their liberty. It is said, however, that he at the same time warned Henry that this liberal conduct could not be repeated; and that he trusted the lesson given to his captains would convince him that the Scots possessed the power of defending their commerce, which they would not scruple to exert on every occasion where the liberties of their merchantmen were invaded. To Wood, the king, with the ardour and enthusiasm for warlike renown which distinguished his character, extended his special favour. When the seaman was not engaged in his naval or commercial duties, for the two professions of a merchant and a sailor were then strictly connected, he retained him at court—kept him much about his person—rewarded him by grants of lands, and under his instructions devoted much of his attention to the improvement of the naval strength of his dominions.

Soon after this an extraordinary conspiracy against the Scottish monarch was fostered at the English court, of which James and his ministers appear at the moment to have had no suspicion. Ramsay, lord Bothwell, the favourite of James the Third, who, after the accession of his son, had escaped to England along with the Earl of Buchan, so lately the subject of the royal clemency, and a person designing himself "Sir Thomas Tod, of the realm of Scotland," entered into an agreement with Henry the Seventh, that they would seize and deliver the King of Scots, and his brother, the Duke of Ross, into the hands of the English monarch. To assist them in this treasonable enterprise, Henry ad-

vanced the loan of two hundred and sixty-six pounds, which, as he carefully stipulated, was to be restored to him by a certain day, and for the fulfilment of this agreement Tod delivered his son as a hostage.[1] It is affirmed in the obligation drawn up at Greenwich, unfortunately the only public paper which throws light upon this dark transaction, that besides Buchan, Bothwell, and Tod, various other persons were involved in the conspiracy. Their names certainly appeared in the original "indentures," but these are now lost; and such seems to have been the secrecy which covered the whole transaction, that at the moment when the English king was engaged in bribing James's subjects to lay violent hands upon his person, the Scottish monarch had despatched the Archbishop of St Andrews on an embassy to England, and a meeting was appointed between his commissioners and those of Henry, to make an amicable arrangement regarding the mutual infractions of the truces upon the Borders, and the prolongation of the pacific intercourse between the two kingdoms.[2]

Soon after this the parliament assembled at Edinburgh, and various important measures were carried into effect regarding the foreign alliances of the country, and the internal administration of the government. The Earl of Huntly was appointed king's lieutenant north of the water of Esk, till the sovereign, who was now in his twentieth year, had reached the age of twenty-five. It was resolved that Hepburn, earl of Bothwell, and the Bishop of Glasgow should be sent on an embassy to France for the purpose of renewing the alliance with that kingdom, and confirming the commercial privileges mutually enjoyed by the French and the Scottish merchants; after which the ambassadors were to proceed to the court of Spain, or other parts, to seek a bride for the young king. An embassy was also despatched to the court of Denmark, with the object of renewing the amicable commercial relations which already subsisted between Scotland and that country; some wise but ineffectual measures were attempted for the restoration of peace and good order, by the punishment of those who committed slaughter or rapine, and were guilty of dismembering the king's lieges; enactments were renewed against the old grievance of leagues or bands amongst the nobles and their feudal tenantry; and the chancellor, with certain lords of council, or in their absence the lords of session, were commanded to sit for the administration of justice thrice every year. Attention was also paid to the interests of the burghs. It was ordained "that the common good, meaning the profits and revenues of all the royal burghs within the realm, should be so regulated as to promote the prosperity of the town, by being spent according to the advice of the council of the burgh upon things necessary for its security and increase, whilst the burgh rents, such as lands, fishings, mills, and farms, were not to be disposed of except upon a three years' lease." At the same time, all sheriffs, bailies, and provosts of burghs were commanded to take copies of the acts and statutes now passed, which were to be openly proclaimed within the bounds of their office.[3]

Some of the consequences which might easily have been anticipated from the conspiracy which had placed the young monarch upon the throne began now to take place in Scotland. James, as he increased in years and understanding, became convinced that he had been made the tool of an artful and selfish faction, whose principal object was private plunder, the preservation of their own overgrown power, and the diminution of the authority of the crown. By degrees he called around him, and restored to places of trust and authority, the counsellors of his late father, whom he attached to his interests by the remorse which he expressed for his crime,

[1] Rymer, Fœdera, vol. xii. p. 440. April 18, 1491.

[2] Rotuli Scotiæ, vol. ii. p. 497.

[3] Acts of the Parliament of Scotland, vol. ii. p. 227.

and the warmth, openness, and generosity of his disposition. Amongst these advisers were some able individuals. Andrew Wood of Largo, whom we have so lately seen victor over the English fleet, and whose genius for naval adventure was combined with a powerful intellect in civil affairs, rose gradually to be one of the most intimate and confidential servants of the king, and appears to have been often consulted, especially in all his financial concerns. Wood combined in his character various qualities, which to our modern judgment appear strange and inconsistent. He was an enterprising and opulent merchant, a brave warrior and skilful naval commander, an able financier, intimately acquainted with the management of commercial transactions, and a stalwart feudal baron, who, without abating anything of his pride and his prerogative, refused not to adopt in the management of his estates some of those improvements whose good effects he had observed in his voyages and travels over various parts of the continent. The advice of such a counsellor was of great value to the young monarch, and as Wood was remarkable for his affectionate attachment to the late king, and for the bold and manly tone in which he had reprobated the rebellion against him, it was not wonderful that his influence over the present sovereign should be exhibited in a decided change in the principles upon which the government was conducted. The leading lords who had instigated the revolt were treated with coldness, suspicion, and, at last, open severity. The Earl of Angus, from his great estates and connexions one of the most powerful nobles in Scotland, resented this by passing into England, where he concluded with Henry the Seventh a secret and treasonable treaty, of which unfortunately little but the existence is known.[1] On his return, however, he was met by the lion herald, who charged him in the king's name to enter his person in ward in his fortress of Tantallon;[2] and soon after James deprived him of his lands and lordship of Liddesdale, with the strong castle of Hermitage, which, as the price of his pardon, he was compelled to resign to the Earl of Bothwell, admiral of Scotland, and warden of the west and middle marches.[3] A reward was offered at the same time to any person who should discover the murderers of the late king, but as it was well known that if this expression had been understood to include the authors of the conspiracy, the search could not have been a protracted one, the cautious proviso was added, that the sum was only to be given in the event of the informant making it certain who were the persons who slew the king "*with their own hands*," an expression thrice repeated in the body of the statute, and from which it may perhaps be fairly inferred that whilst the actual butcher of the unhappy prince was unknown, the "heavy murmurs" and voice of the people pointed out some potent individuals with whom it was certain that he was connected. It does not appear, however, that the hundred marks' worth of land in fee and heritage—the reward held out—was ever claimed by any one; and to this day the hand by which the king was so foully slain is unknown.

Another proof of the change of councils, and of the determination of the sovereign to withdraw his confidence from those who had possessed themselves of the supreme power immediately after the battle of Sauchie, is to be found in a complaint which was now made regarding the disappearance of the royal jewels and treasure. We have already seen[4] that these, a few days after the death of the late king, were taken possession of by the Bishop of Glasgow, along with the Earls of Angus and Argyle, with the intention of being placed in the hands of faithful persons, who were to be responsible for their safe custody. It was now

[1] Ayloffe's Calendars of Ancient Charters, p. 313. A fragment of these "Articles" is preserved amongst Rymer's unpublished collections, now in the British Museum. Henry VII. vol. i. p. 126.

[2] Treasurer's MS. Accompts, July 29, 1491.

[3] Mag. Sig. xii. 323, 344. March 6, 1491.

[4] Supra, p. 245.

discovered, however, that a very small part of this treasure had reached the coffers of the king; a strict inquiry was ordered to be instituted for the detection of those who had stolen or concealed it; and they to whom it had been first intrusted were directed to be examined before the king's council, so that it might be discovered how they had parted with the treasure—into what hands it had been delivered—and what was its exact amount.[1] Whether such measures were followed by the desired success, seems more than problematical.

But although all this very decidedly demonstrated a change in the principles upon which the government was conducted, the party which headed the late rebellion were still too strong, and the young king had identified himself too deeply with their proceedings, to render it advisable to commence a more serious or direct attack; and with regard to the foreign relations of the country, the preservation of peace with England, and the maintenance of a friendly intercourse with the courts of France, Spain, Denmark, and the Netherlands, were wisely insisted on by the counsellors of the young monarch as absolutely necessary for the wellbeing of his kingdom. Yet, secured as it was by repeated truces, and strengthened by negotiations and proposals of marriage for the young monarch with some princess of the blood-royal, the good understanding with England could neither be cordial nor sincere. The treasonable intercourse which some of the most powerful of James's subjects carried on with Henry the Seventh, and the audacious designs of seizing the king's person, which this monarch encouraged, if they transpired even partially, must have disgusted an ardent and impetuous spirit, such as James, with the crafty and dishonourable politics of the English king; and as it is certain that, as this period, in Scotland, the system of employing paid spies became prevalent, it may be conjectured that the king was not wholly ignorant of the plots in agitation against him. It was his secret desire, therefore, although not yet his declared resolution, to break with England, and the causes of the war which, in a few years, was kindled between the two countries, may be traced, with great probability, to this period; but in the meantime the appearance of peace was preserved, and James assiduously devoted himself to the preservation of good order throughout his dominions, and the distribution of strict and impartial justice to all classes of his subjects.

In a parliament held at Edinburgh in the summer of the year 1493, some important laws were passed, which evinced the jealousy of the king regarding any interference with his ecclesiastical privileges in the disposal of church benefices, and his determination to resist all unreasonable encroachments upon the part of the court of Rome. Eight months were to be allowed, after the occurrence of a vacancy in any see, for the king's letter, appointing a successor, to reach the Pope; no interim promotion was to be allowed; and any of the lieges who were detected lending themselves or their interest to oppose these regulations, were declared guilty of treason. No legate was to be permitted to enter the realm, unless he was a cardinal or a native of Scotland; and the Archbishops of St Andrews and Glasgow, who had been for some time engaged in a violent litigation, which had been carried on before the Papal court, and the expense of which plea had been attended, it is declared, with "inestimable damage to the realm," were exhorted to cease from their contention before a foreign ecclesiastical tribunal, submitting to the decision of the king; under the serious denunciation, that if they demur to this proposal, their tenants and "mailers" shall be interdicted from paying to them their rents till they have repented of their contumacy.[2] The king's orators and ambassadors who were sent to Italy received directions to exhort and entreat all his subjects, whether of the clergy or lay-

[1] Acts of the Parliament of Scotland, vol. ii. p. 230.

[2] Acts of the Parliament of Scotland, vol. ii. p. 232.

men, who had pleas depending in the Roman Court, to withdraw their litigation, and to return, like dutiful subjects, to their own country, bringing with them their bulls, writs, and other muniments, after which the monarch undertook that justice should be administered to them by their ordinary judge within whose jurisdiction the cause lay, and over whose conduct, in delivering an impartial decision, he engaged to have a strict superintendence. As the king had now attained majority, and his counsellors were anxious that the wild and capricious passions in which his youth had hitherto been passed should, if possible, be restrained by a legitimate union, the proposal was renewed of sending an embassy abroad to treat in France, or in any other realm where it might be judged expedient, of the king's marriage; and in addition to the tax already agreed to by the clergy, barons, and commissaries of the burghs for this purpose, the three estates consented to give a thousand pounds additional, "for the honourable hame-bringing of a queen."

Some enactments were also passed at this time, which evinced a faint dawning of a more liberal spirit of commercial legislation than had yet appeared in parliament. The deacons, and head craftsmen of particular trades, were in the custom of "imposing a taxation penny upon men of the same craft coming to market on the Mondays," by which it necessarily followed that the prices demanded for the articles were higher than those at which they had afforded to sell them previous to such an imposition. The tax was therefore commanded to be discontinued, so that the craftsmen, without interference upon the part of the deacons of the burghs, might be at liberty to sell their commodities at the usual prices. The parliament, however, proceeded too far, when they abolished, for a year to come, the office of deacons of men of craft in burghs, restricting their authority to the simple examination of the sufficiency and fineness of the work executed by the artisans of the same trade. It had been found, it was declared, that the authority of these officers, and the by-laws which they enacted, were the cause of great trouble in the burghs, in leading to convocations and "rysing" of the king's lieges, in increasing the prices of labour, and encouraging those combinations for the purpose of compelling a consent to their unreasonable demands, from which we have sometimes seen such injurious effects in our own days. It was declared, accordingly, that all "makers and users of these statutes were to be prosecuted as oppressors of the king's lieges." Another grievance was removed, which bore heavily upon the agricultural prosperity of the country. Hitherto the flour brought to the various markets throughout the kingdom, or to the port of Leith, had been subjected to the payment of a certain tax or "multure," in addition to the local tax for grinding, which, by the feudal law, it was bound to pay to the barony mill where it had been ground. This severe double duty was now removed; and it was declared that for the future all flour should be permitted to be brought to market, and sold without payment of any new taxation, and that all manner of persons should be free to bring and sell their victual throughout the land, all the days of the week, as well as on the market-days.[1]

An act followed, which evinced in the legislature an awakening interest in the fishery,—a branch of national wealth from which, under proper cultivation, the richest fruits might be expected, but which had hitherto been unwisely neglected. It was enacted that, "considering the great and innumerable riches" that is lost for want of ships and boats, with their appropriate nets and tackling, which are found in all other realms commanding a great extent of sea-coast, the parliament judged it proper that ships and "buschis," or fishing-boats, should be built in all burghs and fishing-towns within the realm, so that they might be ready to proceed to the fishery before Fastren's

[1] Acts of the Parliament of Scotland, vol. ii. p. 234.

Even following. These boats were directed to be of twenty tons, and the burghs and sea-coast towns were to be obliged to build and rig them out, according to their substance, with all conveniences for the taking of large and small fish. The officers in the burghs and regalities were ordered at the same time to apprehend and press on board these vessels all "stark idle men," under pain of their being banished in case of refusal.

Whilst the parliament was thus severe upon the idle and the dissolute who refused to submit to all regular labour, it is pleasing to discern a glimpse of sympathy for the unmerited suffering and hard condition of the great body of the lower orders of the people. In a former statute a severe fine had been imposed upon all persons who were detected setting fire to the heather or gorse in which the birds of game had their nests,—a practice often absolutely necessary for the success of any attempt at agricultural improvement, but encroaching upon that feudal mania for hunting and hawking which, since the period of the Norman Conquest, had infected the nobles of Britain, and grievously abridged the rights and liberties of the subject. It was now discovered that the persons detected in "mure-burning" were not the real offenders. "It was found," to use the expressive words of the statute, "that the poor bodies that dwelt in '*malings*,' or upon small divisions of land rented to them by their landlords, in setting fire to the gorse, were simply obeying the bidding of their masters;" and in consequence of this the fine was henceforth directed to be levied, not on this large and meritorious class, but upon the proprietors of the "maling" which they laboured.[1]

Some regulations regarding the coinage and importation of bullion, and an enactment by which the high and disproportionate prices which were charged by craftsmen and victuallers were ordered to be reduced to a more equitable standard, terminated the resolutions of the three estates in this parliament.[2]

Hitherto there is reason to believe that the great majority of the barons were deplorably ignorant, and careless of all liberal education. A better spirit, however, now appeared; and the invention of printing, with the revival of classical learning, causes which had long been operating the happiest effects in the continental nations, began, from their frequent communication with Scotland, to be perceptible in producing the moral and intellectual improvement of that country. In a parliament held three years subsequent to that which has just been noticed,[3] it was ordered that, throughout the kingdom, all barons and freeholders, whose fortunes permitted it, should send their sons to the schools as soon as they were eight or nine years old, to remain there until they had attained a competent knowledge of the Latin tongue; after which they were directed to place them, for the space of three years, as pupils in the seminaries of art and law, so that they might be instructed in the knowledge of the laws, and fitted as sheriffs and ordinary judges, to administer justice, under the king's highness, throughout the realm; whilst, it is added, by this provision the "poor people of the land will not be obliged, in every trifling offence, to seek redress from the king's principal council."

For a considerable time past the condition of the Highlands, and the reduction of such wild and remote districts under a more regular form of government than that to which they had hitherto submitted, appears to have been a subject which occupied a large share of the attention and anxiety of the sovereign. To attach to his interest the principal chiefs of these provinces; to overawe and subdue the petty princes who affected independence; to carry into their territories, hitherto too exclusively governed by their own capricious or ty-

[1] Acts of the Parliament of Scotland, vol. ii. p. 235.

[2] Acts of the Parliament of Scotland, vol. ii. p. 238.

[3] Parliament, June 13, 1496.

rannical institutions, the same system of a severe, but regular and rapid administration of civil and criminal justice, which had been established in his Lowland dominions, was the laudable object of the king; and for this purpose he succeeded, with that energy and activity which remarkably distinguished him, in opening up an intercourse with many of the leading men in the northern counties. With the Captain of the clan Chattan, Duncan Macintosh; with Ewan, the son of Alan, Captain of the clan Cameron; with Campbell of Glenurcha; the Macgilleouns of Dowart and Lochbuy; Mackane of Ardnamurchan; the Lairds of Mackenzie and Grant; and the Earl of Huntly, a baron of the most extensive power in those northern districts—he appears to have been in habits of constant and regular communication, rewarding them by presents, in the shape either of money or of grants of land, and securing their services in reducing to obedience such of their fellow-chieftains as proved contumacious, or actually rose into rebellion.[1] But James was not content with this. He rightly judged that the personal presence of the sovereign in those distant parts of his dominions would be attended with salutary effects; and in 1490, on two different occasions, he rode, accompanied by his chief counsellors and the lords of his household, from Perth across the "Mounth," the term applied to the extensive chain of mountains which extends across the country, from the border of the Mearns to the head of Loch Rannoch. In 1493, although much occupied with other cares and concerns, he found time to penetrate twice into the Highlands, proceeding as far as Dunstaffnage and Mingarry in Ardnamurchan,[2] and in the succeeding year such was the indefatigable activity with which he executed his public duties, that he thrice visited the Isles.[3] The first of these voyages, which took place in April and May, was conducted with great state. It afforded the youthful monarch an opportunity of combining business and amusement, of gratifying his passion for sailing and hunting, of investigating the state of the fisheries, of fitting out his barges for defence as well as pleasure, and of inducing his nobles to build and furnish, at their own expense, vessels in which they might accompany their sovereign. It had the effect also of impressing upon the inhabitants of the Isles a salutary idea of the wealth, grandeur, and military power of the king. The rapidity with which he travelled from place to place, the success and expedition with which he punished all who dared to oppose him, his generosity to his friends and attendants, and his gay and condescending familiarity with the lower classes of his subjects, all combined to increase his popularity, and to consolidate and unite, by the bonds of equal laws and affectionate allegiance, the remotest parts of the kingdom.

At Tarbet, in Cantire, he repaired the fort originally built by Bruce, and established an emporium for his shipping, transporting thither his artillery, laying in a stock of gunpowder, and carrying along with him his master-gunners, in whose training and practice he appears, from the payments in the treasurer's books, to have busied himself with much perseverance and enthusiasm.[4] These warlike measures were generally attended with the best effects; most of the chieftains readily submitted to a prince who could carry hostilities within a few days into the heart of their country, and attack them in their island fastnesses with a force which they found it vain to resist; one only, Sir John of the Isles,

[1] Treasurer's MS. Accompts, Nov. 21, 1488. "Item, til ane man to passe to the lard of Frauchie [Grant] for a tratoure he tuke, x sch." Ibid. September 19, 1489. Ibid. October 22, 1489; November 10, 1489; August 16, 1490; August 26, 1492; August 18, 1493; January 5, 1493.

[2] Mag. Sig. xiii. 200. August 18, 1493. Ibid. xiii. 104. October 25, 1493.

[3] Treasurer's Accounts, "To J. M'chadame, after Pasche, the time that the king past to the Isles, 3½ elns rowane tany iii lb. xvii shillings." April 1494.

[4] Treasurer's Accounts, July 5—July 24, 1494.

had the folly to defy the royal vengeance, ungrateful for that repeated lenity with which his treasons had been already pardoned. His great power on the Isles probably induced him to believe that the king would not venture to drive him to extremities; but in this he was disappointed. James instantly summoned him to stand his trial for treason; and in a parliament, which assembled at Edinburgh soon after the king's return from the north, this formidable rebel was stripped of his power, and his lands and possessions forfeited to the crown.[1]

A singular and interesting episode in the history of Scotland now presents itself in the connexion of James the Fourth with that mysterious impostor, Perkin Warbeck; and there seems to be a strong presumption, almost amounting to proof, that the plots of the Duchess of Burgundy received the countenance and support of the Scottish monarch at a much earlier period than is commonly assigned by the popular historians of either country.[2] One of the most remarkable features in the government of the Scottish monarch, and one which strikingly points out the rising influence and importance of the kingdom, was the constant and intimate communication which he maintained with the continent. With France, Spain, Portugal, Denmark, and Flanders, the intercourse was as regular and uninterrupted, not only in the more solemn way of embassies, but by heralds, envoys, and merchants, as that carried on with England; and with the Duchess of Burgundy, the inveterate enemy of Henry the Seventh and the house of Lancaster, James had established a secret correspondence only five months after his accession to the throne. It is well known that the plots of this enterprising woman were chiefly fostered by her friends and emissaries in Ireland; and when we find, as early as the 4th of November 1488, Sir Richard Hardelston and Richard Ludelay de Ireland proceeding on a mission to the Scottish court from this princess, it is difficult to resist the conclusion that James was well aware of her intended conspiracy, although whether he was admitted into the secret of the imposition attempted to be practised upon England is not easily discoverable.[3] This accession to the plot is corroborated by other strong facts. In the course of the same month, in which the first envoys arrived, James received letters from the duchess by an English herald; and towards the conclusion of the year in which this intercourse took place, the Scottish monarch was visited by a herald from Ireland, who was immediately despatched upon a private mission to the Duchess of Burgundy, whilst a pursuivant was sent from Scotland to communicate with certain individuals in England, whose names do not appear.[4] It is well known that the conspiracy was encouraged by Charles the Eighth of France, who invited Perkin into his kingdom, and received him with high distinction; whilst the Earl of Bothwell, one of James's principal favourites and counsellors, repaired soon after to that

[1] Treasurer's Accounts, August 24, 1494. "Item, to summon Sir John of the Isles, of treason in Kintire, and for the expense of witnesses, vi lb. xiii sh. iiii d." This, according to Mr Gregory, was Sir John, called "Canoch" or the handsome, of Isla and Cantire, and Lord of the Glens in Ireland—executed afterwards at Edinburgh about the year 1500.

[2] Warbeck's connexion with James is generally believed to have commenced shortly before his alleged arrival in Scotland, in 1496. It is certain, however, that he arrived there in 1495, and he seems to have been long in secret treaty with James.

[3] Mag. Sig. xii. 59. Nov. 4, 1488. Safe-conduct by James the Fourth at Edinburgh to Richard Hardelstoun, knight, and Richard Ludelay de Ireland, Englishmen, with forty persons, at the request of Dame Margaret, duchess of Burgundy.

[4] Treasurer's Accounts, Nov. 26, 1488. "To an English herald, that came with letters from the Dutchess of Burgundy, x lb." Again, in Treasurer's Accounts, September 21, 1489, "Item, to Rowland Robyson," (this person was afterwards in the intimate confidence of Perkin,) "that brought the letters to the king from the Dutchess of Burgundy, v lb. viii sh." Ibid. Feb. 27, 1489. "Item, to the harrot that came furth of Ireland, and past to the Dutchess of Burgundy, xviii lb. Item, to the Scottis bute persyvant that past the same time in England, xvii lb. viii sh."

court, and remained for some months engaged in these private negotiations. Warbeck was at this time treated like a prince. A guard of honour was appointed to wait upon his person, commanded by Monipenny Sieur de Concressault, a Scotsman by descent, but whose family had been long settled in France, and who, not long after, proceeded as ambassador to Scotland from the court of France.[1]

Towards the conclusion of the year 1491, the intercourse, which hitherto had been involved in great obscurity, became more open and avowed. Warbeck, who was then in Ireland, where he had been joined by the Earl of Desmond, despatched one of his English followers, named Edward Ormond, to the Scottish court with letters for the king, and the readiness with which James entertained the communication, although deeply engaged with the internal administration of his own dominions, evinces a prior intimacy with the conspiracy and its authors.[2] The intrigues, however, with which this extraordinary person was then occupied in France, England, and Flanders, left him little time to follow out his correspondence with the Scottish monarch, and it was not till the year 1494 that he renewed his intercourse with James. On the 6th of November of that year the king received intimation from the Duchess of Burgundy, that the "Prince of England," the name by which he is mentioned in the ancient record which informs us of this fact, was about to visit Scotland; and preparations for his honourable reception were commenced at Stirling.[3]

Henry, however, there is reason to believe, was well aware of these intrigues in Scotland. Various Scotsmen, amongst the rest a Scottish knight of Rhodes, probably Sir John Knollis, who had lately passed into England, and Ramsay, lord Bothwell, the favourite of James the Third, were in the pay of the English king;[4] whilst in Flanders, Lord Clifford, who had at first warmly embraced the cause of the counterfeit prince, was corrupted by a large bribe; and after amusing his friends and adherents by a series of negotiations which drew into the plot some of the ancient and noble families of England, concluded his base proceedings by betraying them to the English monarch. This discovery was a fatal blow to the Yorkists. Their project was probably to have proclaimed Perkin in England, whilst his numerous adherents engaged to rise in Ireland; and the Scottish monarch was to break at the head of his army across the Borders, and compel Henry to divide his force. But the Border chiefs, impatient for war, invaded England too soon; and it happened, unfortunately for Warbeck, that whilst a tumultuous force, including the Armstrongs, Elwalds, Crossars, Wighams, Nyksons, and Henrisons, penetrated into Northumberland,[5] with the hope of promoting a rising in favour of the asserted Duke of York, the treachery of Clifford had revealed the whole particulars of the conspiracy; and the apprehension and execution of the ringleaders struck such terror into the nation, that the cause of Perkin in that country was for the present considered hopeless.

He had still, however, to look to Ireland and Scotland. Amongst the Irish the affection for the house of York, and the belief in the reality of his pretensions, was exceedingly strong. It is difficult, indeed, to discover whether the Scottish king was equally credulous; yet, either as a believer or a politician, James determined to support the sinking fortunes of the counterfeit prince. For this purpose an

[1] Bacon's Life of Henry VII. Apud Kennet, vol. i. p. 607. Pinkerton, vol. ii. p. 28.

[2] Treasurer's Books, March 2, 1491. "Given at the king's command to an Englishman, called Edward Ormond, that brought letters forth of Ireland fra King Edward's son and the Earl of Desmond, ix lb."

[3] "Item, for carriage of the arras work forth of Edinburgh to Stirling, for receiving the Prince of England, xxx sh." Treasurer's Books, November 6, 1494.

[4] Nicolas, Excerpta Historica, part i. p. 93.

[5] This raid or invasion, which is unknown to our historians, is mentioned nowhere but in the record of justiciary, Nov. 1493. Mr Stirling's MS. Chron. Notes, pp. 50, 55.

intercourse was opened up with Ireland, and O'Donnel, prince of Tirconnel, one of the most powerful chiefs in that country, repaired to the Scottish court, where he was received by the king with great state and distinction.[1] The particulars of their conferences are unfortunately lost to history; but there can be little doubt that they related to the efforts which James had determined to make for the restoration of the last descendant of the house of York to the throne of his alleged ancestors. At this time war appears to have been resolved on; and although Henry, justly alarmed by the state of his kingdom, still torn by public discontent and secret conspiracy, endeavoured to avert the storm by proposals for the marriage of James with his daughter the Princess Margaret,[2] this monarch rejected the alliance with coldness; and resolved that he who had not scrupled to sow treason amongst his barons, and to lay plots for the seizure of his person, should at length feel the weight of his resentment.

Accordingly, in the month of November 1495, Warbeck, under the title of Prince Richard of England, was received with royal honours at the palace of Stirling;[3] and whatever scepticism James may hitherto have indulged in, there is certainly strong ground to believe that the art of this accomplished impostor, his noble appearance, the grace and unaffected dignity of his manners, and the air of mystery and romance which his misfortunes had thrown around him, contributed to persuade the king of the identity of his person, and the justice of his claim upon the throne of England. He was welcomed into Scotland with great state and rejoicing. The king addressed him as "cousin," and publicly countenanced his title to the crown. Tournaments and other courtly festivals were held in honour of his arrival; and James, accompanied by his nobility, conducted him in a progress through his dominions, in which, by his handsome person and popular manners, he conciliated to himself the admiration of the people. But this was not all. The Scottish monarch bestowed upon his new ally the hand of Catherine Gordon, daughter of the Earl of Huntly, a lady of extraordinary beauty and accomplishments, who, by her mother, the daughter of James the First, was nearly related to the royal family,—a step which appears to guarantee the sincerity of James's present belief in the reality of his pretensions.

More serious measures were now resorted to, and a general muster of the military force of the kingdom was ordered by "letters of weapon-schawings," which were followed by an order to the whole body of the lieges, including the men of the Isles, to meet the king at Lauder. A communication at the same time took place between the Irish and Anglo-Irish barons who supported in that island the cause of Perkin;[4] the king himself rode through the country with his usual activity, superintending the equipment of the rude train of artillery, which had to be collected from various forts and castles;[5] Andrew Wood of Largo was despatched into the north with letters to the barons of that district; and all the preparations having been completed, the young monarch placed himself at the head of his army. He was accompanied by Warbeck, who,

[1] Treasurer's Accounts. Sub anno 1494. But without any further date. "Item, passing with lettres in the east and south-landis, for the receiving of great Odonell, x shillings. Item, to Master Alexr Schawes expenses passing from the toun of Air to Edinburgh for the cupboard, and remaining there upon the king's clothing, to the receiving of Odonnell, xx shillings."

[2] Rymer, Fœdera, vol. xii. p. 572.

[3] Treasurer's Accompts, November 6, 1495. He arrived at Stirling, November 20.

[4] Treasurer's Accompts, June 4, 1496. Ibid. June 29.

[5] Ibid. Sept. 1, 1496. Ibid. May 3. Ibid. May 10. "Item, to the man that gydit the king to Drymmyne" (Drummond castle, in Strathern) "that night, viii d. May 10, Item, to the king in Strivelin, to play at the cach. August 8, Item, to the man that castis the brazen chambers to the gun, xxviii sh. Item, Sept. 1, to John Lamb of Leith, for xxxvi gunchambers, and for nykkis and bandis to ye gunnis, and for iron graith to the brazen gun, and lokkis, finger and boltis to the bombards that were in Leith. Sept. 9, For ane elne, half a quartere, and a nail of double red taffety to the Duke of York's (Perkin Warbeck) banner, for the elne, xviii sh."

adopting the title of the Duke of York, was treated with distinguished honours, and equipped for war with a personal magnificence almost equal to that of the king. At this moment, Roderic de Lalain, with two ships, which bore a force of sixty German men-at-arms, arrived from Flanders, bringing with him, from the Duchess of Burgundy, arms, harness, crossbows, and other necessary military stores; whilst there landed at St Andrews, on a mission from Charles the Eighth, the Lord of Concressault, who had formerly commanded Perkin's body-guard in France.[1] The very selection of so intimate a friend of the counterfeit prince, indicated a secret disposition to favour his cause; and although the French monarch publicly proposed, by his ambassador, that he should be permitted to act as a mediator between Henry and the Scottish king, it is certain that he secretly encouraged the invasion. At the same time, many of the English, chiefly of the Border barons, resorted to Perkin from Berwick and Carlisle; the Nevilles, Dacres, Skeltons, Lovels, and Herons, were in constant communication with him; and it was confidently expected by the young King of Scots, that the disposition in his favour would become general the moment he penetrated into England.[2]

But James, whose rash and overbearing temper often misled his judgment, was little aware of the means which Henry had sagaciously adopted to defeat the threatened invasion. With the Scottish people, who cared little for the pretensions of the house of York, or the cause of the mysterious stranger, the war was unpopular; and in Bothwell, the favourite of James the Third, who had been suffered by his son to remain in Scotland, Henry possessed an active and able partisan. By his means, the king's brother, the Duke of Ross, the Earl of Buchan, and the Bishop of Moray were induced to promise Henry their utmost assistance in defeating the object of the invasion; the young prince even engaged to place himself under the protection of the King of England, the moment his royal brother crossed the Borders; and a plot for the seizure of Warbeck, at night, in his tent, was, at Henry's suggestion, entered into between Buchan, Bothwell, and Wyat, an English envoy, which, probably, only failed from the vigilance of the royal guard whom James had directed to keep watch round the pavilion.

Whilst many of the most powerful Scottish barons thus secretly lent themselves to Henry, and remained with the army only to betray it, others, who had been the friends and counsellors of his father, anxiously laboured to dissuade James from carrying hostilities to extremity; but the glory of restoring an unfortunate prince, the last of a noble race, to his hereditary throne; the recovery of Berwick, which he engaged to place in the hands of the Scottish king; and the sum of one thousand marks, which he promised to advance for the expenses of the war, were motives too powerful to be resisted by the young monarch; and, after a general muster of his army at Ellame Kirk, within a few miles of the English Border, he declared war, and invaded England. At this time Warbeck addressed a public declaration to his subjects, in the name of Richard, duke of York, true inheritor of the crown of England. He branded Henry as a usurper—accused him of the murder of Sir William Stanley, Sir Simon Montfort, and others of the ancient barons and nobility—of having invaded the liberties and franchises of the Church—and of having pillaged the people by heavy aids and unjust taxes. He pledged his word to remove these illegal impositions, to maintain uninjured the rights of the Church, the privileges of the nobles, the charters of the corporations, with the commerce and manufactures of the country; and he concluded by setting a reward of one thousand pounds on Henry's head.

This proclamation was judiciously drawn up, yet it gained no proselytes, and James, who had expected a very

[1] Supra, p. 260.

[2] Letters from Ramsay, lord Bothwell, to Henry the Seventh, first published by Pinkerton, from the originals in the British Museum. Pinkerton's Hist. vol. ii. pp. 438, 443.

different result, was mortified to find that the consequences which had been predicted by his wisest counsellors were speedily realised. So long as Warbeck attempted to assert his pretended rights to the throne by the assistance of the English, whom he claimed as his own subjects, he had some chance of success; but such was still the hatred between the two nations, that the fact of his appearance at the head of a Scottish army at once destroyed all sympathy and affection for his cause. Instead of a general rising of the people, the Scottish monarch found that the English Border barons who had joined him were avoided as traitors and renegades, and the large force of Germans, French, and Flemish volunteers, who marched along with the army, only increased the odium against the impostor, whilst they refused to co-operate cordially with their allies. James, however, held his desolating progress through Northumberland, and incensed at the failure of his scheme, and the disappointment of his hopes, with a cruel and short-sighted policy, indulged his revenge by delivering over the country to indiscriminate plunder. It is said that Warbeck generously and warmly remonstrated against such a mode of making war, declaring that he would rather renounce the crown than gain it at the expense of so much misery: to which James coldly replied, that his cousin of York seemed to him too solicitous for the welfare of a nation which hesitated to acknowledge him either as a king or a subject,—a severe retort, evincing very unequivocally that the ardour of the monarch for the main object of the war had experienced a sudden and effectual check.[1] The approach, however, of an English army, the scarcity of provisions in an exhausted country, and the late season of the year, were more efficacious than the arguments of the pretended prince; and the Scottish king, after an expedition which had been preceded by many boastful and expensive preparations, retreated without hazarding a battle, and regained his own dominions. Here, in the society of his fair mistress, the Lady Drummond, and surrounded by the flatterers and favourites who thronged his gay and dissipated court, he soon forgot his ambitious designs, and appeared disposed to abandon, for the present, all idea of supporting the pretensions of Warbeck to the throne of England.

But the flame of war, once kindled between the two countries, was not so easily extinguished. The Borderers on either side had tasted the sweets of plunder, and the excitation of mutual hostility. An inroad by the Homes, which took place even in the heart of winter, again carried havoc into England; and Henry, whose successes against his domestic enemies had now seated him firmly upon the throne, commanded Lord Dacre, his warden of the west marches, to assemble the whole power of these districts, and to retaliate by an invasion into Scotland. The sagacious monarch, however, soon discovered, by those methods of obtaining secret information, of which he so constantly availed himself, that James's passion for military renown, and his solicitude in the cause, had greatly diminished; and although hostilities recommenced in the summer, and a conflict took place at Dunse, the war evidently languished. The English monarch began to renew his negotiations for peace; and his proposals were repeated for a marriage between the young King of Scots and his daughter the Princess Margaret.

James, however, although disposed to listen to these overtures, was too generous to entertain for a moment Henry's proposal that Perkin should be abandoned, and delivered into his hands. Yet the expenses incurred by his stay in Scotland, where he was maintained with a state and dignity in every way befitting his alleged rank, were necessarily great.[2] His servants and attendants, and those of his wife,

1 Carte, Hist. of England, vol. ii. pp. 848, 849.

2 Treasurer's Books, May 10, 1497, "Item, Giffin to Rolland Robysonn for his Maister (Zorkes) months pensionne, lxii lb."—York here means Perkin Warbeck.

the Lady Catherine Gordon, who took the title of Duchess of York, were all supported by the king; and the limited exchequer of the country could ill bear these heavy drains, in addition to the disbursement of a monarch, whose habits were unusually profuse, and who was frequently obliged to coin his personal ornaments, that he might procure money for the demands of pleasure, or the more serious urgencies of the state.[1] In such circumstances, it seemed to the king the best policy to continue the demonstrations of war for some time, without any intention of pushing it to extremities, whilst, under cover of these hostilities, Warbeck should be suffered quietly to leave Scotland. James accordingly again advanced into England, accompanied by a considerable train of artillery, in which that large piece of ordnance, still preserved in the castle of Edinburgh, and known by the familiar name of Mons Meg, made a conspicuous appearance.[2] Meanwhile, during his absence with the army, preparations were secretly made for the embarkation of Warbeck. A ship, commanded by Robert Barton, a name destined to become afterwards illustrious in the naval history of the country, was ordered to be got ready at Ayr, and thither this mysterious and unfortunate adventurer repaired. He was accompanied by his wife, who continued his faithful companion amid every future reverse of fortune, and attended by a body of thirty horse.[3] In this last scene of his connexion with Scotland, nothing occurred which evinced upon the part of James any change of opinion regarding the reality of his rank and pretensions. He and his beautiful consort preserved their titles as Duke and Duchess of York. The vessel which carried them to the continent was equipped at great expense, commanded by one of the most skilful seamen in the kingdom, and even the minutest circumstances which could affect their accommodation and comfort were not forgotten by the watchful and generous anxiety of the monarch, who had been their protector till the cause seemed hopeless. At last, all being in readiness, the ship weighed anchor on the 6th of July 1497, and Warbeck and his fortunes bade adieu to Scotland for ever.[4]

CHAPTER VI.

JAMES THE FOURTH.

1497—1513.

THE departure of Perkin Warbeck from Scotland was followed, after a short interval, by a truce with England. It was evidently the interest of Henry the Seventh and of James to be at peace. The English monarch was unpopular; every attack by a

[1] Treasurer's Books, July 27, 1497. "Item, ressavit of Sir Thos Tod for iii pund wecht, foure unce and three quarters of an unce of gold in xxxvi linkis of the great chain, coined by the king's command, iiiicxxxii unicorns iiiclxix lbs. xvi shillings." Ibid. Feb. 20, 1496. Again, in the Treasurer's Books, Aug. 4, 1497, we find eighteen links struck off the great chain, weighing thirty-five ounces, coined into two hundred unicorns and a half. Sir Thomas Tod was rather a dangerous person to be placed in an office of such trust. See supra, p. 252.

[2] Illustrations, letter U.

[3] Treasurer's Books, July 5, 1497.

[4] Treasurer's Books, July 6, 1497. Illustrations letter V. Note on Perkin Warbeck.

foreign power endangered the stability of his government, encouraging domestic discontent, and strengthening the hands of his enemies: on the side of the Scottish king there were not similar causes of alarm, for he was strong in the affections of his subjects, and beloved by his nobility; but grave and weighty cares engrossed his attention, and these were of a nature which could be best pursued in a time of peace. The state of the revenue, the commerce and domestic manufactures of his kingdom, and the deficiency of his marine, had now begun to occupy an important place in the thoughts of the still youthful sovereign: the disorganised condition of the more northern portions of his dominions demanded also the exertion of his utmost vigilance; so that he listened not unwillingly to Henry's proposals of peace, and to the overture for a matrimonial alliance, which was brought forward by the principal Commissioner of England, Fox, bishop of Durham. The pacific disposition of James appears to have been strengthened by the judicious counsels of Pedro D'Ayala, the Spanish envoy at the court of Henry the Seventh: this able foreigner had received orders from his sovereigns, Ferdinand and Isabella, to visit Scotland as the ambassador from their Catholic majesties; and on his arrival in that country, he soon acquired so strong an influence over this prince, that he did not hesitate to nominate him his chief commissioner for the conducting his negotiations with England. A seven years' truce was accordingly concluded at Ayton on the 31st of September 1497;[1] and in a meeting which took place soon after, between William de Warham, Henry's commissioner, and D'Ayala, who appeared on the part of James, it was agreed that this cessation of hostilities should continue during the lives of the two monarchs, and for a year after the death of the survivor. Having accomplished this object, the Spanish minister and his suite left the Scottish court, to the regret of the king, who testified by rich presents the regard he entertained for them.[2]

This negotiation with England being concluded, James had leisure to turn his attention to his affairs at home; and, although in the depth of winter, with the hardihood which marked his character, he took a progress northward as far as Inverness. It was his object personally to inspect the state of these remote portions of his dominions, that he might be able to legislate for them with greater success than had attended the efforts of his predecessors. The policy which he adopted was, to separate and weaken the clans by arraying them in opposition to each other, to attach to his service by rewards and preferment some of their ablest leaders—to maintain a correspondence with the remotest districts—and gradually to accustom their fierce inhabitants to habits of pacific industry, and a respect for the restraints of the laws. It has been objected to him that his proceedings towards the Highland chiefs were occasionally marked by an unbending rigour, and too slight a regard for justice; but his policy may be vindicated on the ground of necessity, and even of self-defence.

These severe measures, however, were seldom resorted to but in cases of rebellion. To the great body of his nobility, James was uniformly indulgent; the lamentable fate of his father convinced him of the folly of attempting to rule without them; he was persuaded that a feudal monarch at war with his nobles, was deprived of the greatest sources of his strength and dignity; and to enable him to direct their efforts to such objects as he had at heart, he endeavoured to gain their affections. Nor was it difficult to effect this: the course of conduct which his own disposition prompted him to pursue, was the best calculated to render him a favourite with the aristocracy. Under the former reign they seldom saw their prince, but lived in gloomy independence at a distance from court,

[1] Rymer, vol. xii. pp. 673, 678 inclusive.

[2] MS. Accounts of the High Treasurer of Scotland under the 31st of October 1497.

resorting thither only on occasions of state or counsel; and when the parliament was ended, or the emergency had passed away, they returned to their castles full of complaints against a system which made them strangers to their sovereign, and ciphers in the government. Under James all this was changed. Affable in his manners, fond of magnificence, and devoted to pleasure, the king delighted to see himself surrounded by a splendid nobility: he bestowed upon his highest barons those offices in his household which insured a familiar attendance upon his person: his court was a perpetual scene of revelry and amusement, in which the nobles vied with each other in extravagance, and whilst they impoverished themselves, became more dependent from this circumstance upon the sovereign. The seclusion and inferior splendour of their own castles became gradually irksome to them; as their residence was less frequent, the ties which bound their vassals to their service were loosened, whilst the consequence was favourable to the royal authority.

But amid the splendour of his court, and devotion to his pleasures, James pursued other objects which were truly laudable. Of these the most prominent and the most important was his attention to his navy: the enterprises of the Portuguese, and the discoveries of Columbus, had created a sensation at this period throughout every part of Europe, which, in these times, it is perhaps impossible for us to estimate in its full force. Every monarch ambitious of wealth or of glory, became anxious to share in the triumphs of maritime adventure and discovery. Henry the Seventh of England, although in most cases a cautious and penurious prince, had not hesitated to encourage the celebrated expedition of John Cabot, a Venetian merchant, settled at Bristol; and his unwonted spirit was rewarded by the discovery of the continent of North America.[1]

A second voyage conducted by his son Sebastian, one of the ablest navigators of the age, had greatly extended the range of our geographical knowledge; and the genius of the Scottish prince, catching fire at the successes of the neighbouring kingdom, became eager to distinguish itself in a similar career of naval enterprise.

But a fleet was wanting to second these aspirings; and to supply this became his principal object. His first care was wisely directed to those nurseries of seamen, his domestic fisheries and his foreign commerce. Deficient in anything deserving the name of a royal navy, Scotland was nevertheless rich in hardy mariners and enterprising merchants. A former parliament of this reign had adverted to the great wealth still lost to the country from the want of a sufficient number of ships, and busses, or boats, to be employed in the fisheries.[2] An enactment was now made that vessels of twenty tons and upwards should be built in all the seaports of the kingdom; whilst the magistrates were directed to compel all stout vagrants who frequented such districts to learn the trade of mariners, and labour for their own living.[3]

Amongst his merchants and private traders, the king found some men of ability and experience. Sir Andrew Wood of Largo, the two Bartons, Sir Alexander Mathison, William Merrimonth of Leith, whose skill in maritime affairs had procured him the title of "King of the Sea," and various other naval adventurers of inferior note, were sought out by James, and treated with peculiar favour and dis-

[1] Mr Biddel in his Life of Sebastian Cabot, a work of great acuteness and research, has endeavoured to shew that the discovery of North America belongs solely to Sebastian and not to John Cabot. From the examination of his proofs and authorities, I have arrived at an opposite conclusion. The reader who is interested in the subject will find it discussed in the Appendix to "A Historical View of the Progress of Discovery in North America."

[2] Acts of the Parliament of Scotland, vol. ii. p. 235. "Anent the greit innumerable riches yat is tint in fault of schippis and buschis."

[3] M'Pherson's Annals of Commerce, vol. ii. pp. 17, 18.

tinction They were encouraged to extend their voyages, to arm their trading vessels, to purchase foreign ships of war, to import cannon, and to superintend the building of ships of force at home. In these cares the monarch not only took an interest, but studied the subject with his usual enthusiasm, and personally superintended every detail. He conversed with his mariners—rewarded the most skilful and assiduous by presents—visited familiarly at the houses of his principal merchants and sea officers—practised with his artillerymen—often discharging and pointing the guns, and delighted in embarking on short voyages of experiment, in which, under the tuition of Wood or the Bartons, he became acquainted with the practical parts of navigation. The consequences of such conduct were highly favourable to him: he became as popular with his sailors as he was beloved by his nobility; his fame was carried by them to foreign countries; shipwrights, cannon-founders, and foreign artisans of every description flocked to his court from France, Italy, and the Low Countries; and if amongst these were some impostors, whose pretensions imposed upon the royal credulity, there were others by whose skill and genius Scotland rose in the scale of knowledge and importance.

But the attention of James to his navy and his foreign commerce, although conspicuous, was not exclusive; his energy and activity in the administration of justice, in the suppression of crime, and in the regulation of the police of his dominions, were equally remarkable. Under the feudal government as it then existed in Scotland, the obedience paid to the laws, and the consequent increase of industry and security of property, were dependent in a great degree upon the personal character of the sovereign. Indolence and inactivity in the monarch commonly led to disorder and oppression. The stronger nobles oppressed their weaker neighbours; murder and spoliation of every kind were practised by their vassals; whilst the judges, deprived of the countenance and protection of their prince, either did not dare or did not choose to punish the delinquents. Personal vigour in the king was invariably accompanied by a diminution of crime and a respect for the laws; and never was a sovereign more indefatigable than James in visiting with this object every district of his dominions; travelling frequently alone, at night, and in the most inclement seasons, to great distances; surprising the judge when he least expected, by his sudden appearance on the tribunal, and striking terror into the heart of the guilty by the rapidity and certainty of the royal vengeance. Possessed of an athletic frame, which was strengthened by a familiarity with all the warlike exercises of the age, the king thought little of throwing himself on his horse and riding a hundred miles before he drew bridle; and on one occasion it is recorded of him, that he rode unattended from his palace of Stirling in a single day to Elgin, where he permitted himself but a few hours' repose, and then pushed on to the shrine of St Duthoc in Ross.[1]

Whilst the monarch was occupied in these active but pacific cares, an event occurred which, in its consequences, threatened once more to plunge the two countries into war. A party of Scottish youths, some of them highly born, crossed the Tweed at Norham, and trusting to the protection of the truce, visited the castle; but the national antipathy led to a misunderstanding: they were accused of being spies, attacked by orders of the governor, and driven with ignominy and wounds across the river. James's chivalrous sense of honour fired at this outrage, and he despatched a herald to England, demanding inquiry, and denouncing war if it were refused. It was fortunate, however, that the excited passions of this prince were met by quietude and prudence upon the part of Henry; he represented the event in its true colours, as an unpremeditated and accidental attack, for which he felt regret and was ready to afford redress. Fox, the bishop

[1] Lesley's History, Bannatyne edit. p. 76.

of Durham, to whom the castle belonged, made ample submissions; and the king, conciliated by his flattery, and convinced by his arguments of the ruinous impolicy of a war, allowed himself to be appeased. Throughout the whole negotiation, the wisdom and moderation of Henry presented a striking contrast to the foolish and overbearing impetuosity of the Scottish monarch: it was hoped, however, that this headstrong temper would be subdued by his arrival at a maturer age; and in the meantime the English king despatched to the Scottish court his Vice-Admiral Rydon, to obtain from James the final ratification of the truce, which was given at Stirling on the 20th of July 1499.[1]

In the midst of these threatenings of war which were thus happily averted, it is pleasing to mark the efforts of an enlightened policy for the dissemination of learning. By an act of a former parliament, (1496,)[2] it had been made imperative on all barons and freeholders, under a fine of twenty pounds, to send their sons at the age of nine years to the schools, where they were to be competently founded in Latin, and to remain afterwards three years at the schools of "Art and Jury," so as to insure their possessing a knowledge of the laws. The object of this statute was to secure the appointment of learned persons to fill the office of sheriffs, that the poorer classes of the people might not be compelled from the ignorance of such judges to appeal to a higher tribunal. These efforts were seconded by the exertions of an eminent and learned prelate, Elphinston, bishop of Aberdeen, who now completed the building of King's College in that city, for the foundation of which he had procured the Papal bull in 1494. In the devout spirit of the age, its original institutions embraced the maintenance of eight priests and seven singing boys; but it supported also professors of divinity, of the civil and canon law, of medicine and humanity; fourteen students of philosophy and ten bachelors were educated within its walls: nor is it unworthy of record that its first principal was the noted Hector Boece, the correspondent of Erasmus, and a scholar whose classical attainments and brilliant fancy had already procured for him the distinction of professor of philosophy in Montague College at Paris. Scotland now possessed three universities: that of St Andrews, founded in the commencement of the fifteenth century; Glasgow, in the year 1453; and Aberdeen in 1500. Fostered amid the security of peace, the Muses began to raise their heads from the slumber into which they had fallen; and the genius of Dunbar and Douglas emulated in their native language the poetical triumphs of Chaucer and of Gower.[3]

It was about this time that James concluded a defensive alliance with France and Denmark; and Henry the Seventh, who began to be alarmed lest the monarch should be flattered by Lewis the Twelfth into a still more intimate intercourse, renewed his proposals for a marriage with his daughter. The wise policy of a union between the Scottish king and the Princess Margaret had suggested itself to the councillors of both countries some years before; but the extreme youth of the intended bride, and an indisposition upon the part of James to interrupt by more solemn ties the love which he bore to his mistress, Margaret Drummond, the daughter of Lord Drummond, had for a while put an end to all negotiations on the subject. His continued attachment, however, the birth of a daughter, and, perhaps, the dread of female influence over the impetuous character of the king, began to alarm his nobility, and James felt disposed to listen to their remonstrances. He accordingly despatched his commissioners, the Bishop of Glasgow, the Earl of Bothwell, his high admiral, and Andrew Forman, apostolical prothonotary, to meet with

[1] Rymer, Fœdera, vol. xii. p. 728.

[2] Acts of the Parliament of Scotland, vol. ii. p. 238.

[3] Memoirs of William Dunbar, p. 45. prefixed to Mr Laing's beautiful edition of that poet.

those of Henry; and, after some interval of debate and negotiation, the marriage treaty was concluded and signed in the palace of Richmond, on the 24th of January 1502.[1] It was stipulated that, as the princess had not yet completed her twelfth year, her father should not be obliged to send her to Scotland before the 1st of September 1503; whilst James engaged to espouse her within fifteen days after her arrival.[2] The queen was immediately to be put in possession of all the lands, castles, and manors, whose revenues constituted the jointure of the queens-dowager of Scotland; and it was stipulated that their annual amount should not be under the sum of two thousand pounds sterling. She was to receive during the lifetime of the king her husband, a pension of five hundred marks, equivalent to one thousand pounds of Scottish money; and in the event of James's death, was to be permitted to reside at her pleasure, either within or without the limits of Scotland. On the part of Henry, her dowry, considering his great wealth, was not munificent. It was fixed at thirty thousand nobles, or ten thousand pounds sterling, to be paid by instalments within three years after the marriage.[3] Besides her Scottish servants, the princess was to be at liberty to keep twenty-four English domestics, men and women; and her household was to be maintained by her husband in a state conformable to her high rank as the daughter and consort of a king. It was lastly agreed that, should the queen die without issue before the three years had expired within which her dowry was to be paid, the balance should not be demanded; but in the event of her death, leaving issue, the whole sum was to be exacted.[4] Such was this celebrated treaty, in which the advantages were almost exclusively on the side of England; for Henry retained Berwick, and James was contented with a portion smaller than that which had been promised to the Prince of Scotland by Edward the Fourth, when in 1474 this monarch invited him to marry his daughter Cæcilia.[5] But there seems no ground for the insinuation of a modern historian,[6] that the deliberations of the Scottish commissioners had been swayed by the gold of England; it is more probable they avoided a too rigid scrutiny of the treaty, from an anxiety that an alliance, which promised to be in every way beneficial to the country and to the sovereign, should be carried into effect with as much speed as possible.

The tender age of the young princess, however, still prevented her immediate union with the king, and in the interval a domestic tragedy occurred at court, of which the causes are as dark as the event was deplorable. It has been already noticed that James, whose better qualities were tarnished by an indiscriminate devotion to his pleasures, had, amid other temporary amours, selected as his mistress Lady Margaret Drummond, the daughter of a noble house, which had already given a queen to Scotland. At first little anxiety was felt at such a connexion; the nobles, in the plurality of the royal favourites, imagined there ex-

[1] Rymer, Fœdera, vol. xii. pp. 776, 777, 787.

[2] Rymer, Fœdera, vol. xii. p. 765, gives the dispensation for the marriage. It is dated 5th August 1500.

[3] At a period as remote as 1281, when silver was far more valuable than in 1502, Alexander the Third gave with his daughter to the King of Norway the value of 9333 pounds of standard silver, one-half in money, for the other half an annuity in lands, valued at ten years' purchase, whilst the stipulated jointure was to be ten per cent. of her portion. Henry the Seventh, on the other hand, when it might be thought more necessary for him to conciliate the affection of his son-in-law, gives only 5714 pounds, silver of the same standard, and stipulates for his daughter a jointure of twenty per cent., besides an allowance for her privy purse.—M'Pherson's Annals of Commerce, vol. iv., in Appendix, Chronological Table of Prices. The well-known economy, however, of the English monarch, and his shrewdness in all money transactions, preclude us from drawing any general conclusions from this remarkable fact, as to the comparative wealth of Scotland in the thirteenth and England in the sixteenth century.

[4] Rymer, Fœdera, vol. xii. pp. 787, 792, inclusive.

[5] The portion of Cæcilia was 20,000 marks, equal to £13,333 English money of that age —Rymer, Fœdera, vol. xi. pp. 825, 836.

[6] Pinkerton, vol. ii. p. 41.

isted a safeguard for the royal honour, and looked with confidence to James's fulfilling his engagements with England; but his infatuation seemed to increase in proportion as the period for the completion of the marriage approached. His coffers were exhausted to keep up the splendid establishment of his mistress: large sums of money, rich dresses, grants of land to her relations and needy domestics, all contributed to drain the revenue, whilst her influence must have been alarming. The treaty was yet unconfirmed by the oath of the king, and his wisest councillors began to dread the consequences. It was in this state of things that, when residing at Drummond castle, Lady Margaret, along with her sisters, Euphemia and Sybilla, were suddenly seized with an illness which attacked them immediately after a repast, and soon after died in great torture, their last struggles exhibiting, it was said, the symptoms of poison. The bodies of the fair sufferers were instantly carried to Dunblane, and there buried with a precipitancy which increased the suspicion; yet no steps were taken to arrive at the truth by disinterment or examination. It is possible that a slight misunderstanding between James and Henry concerning the withdrawing the title of King of France, which the Scottish monarch had inadvertently permitted to be given to his intended father-in-law,[1] may have had the effect of exciting the hopes of the Drummonds, and reviving the alarm of the nobles, who adopted this horrid means of removing the subject of their fears; or we may, perhaps, look for a solution of the mystery in the jealousy of a rival house, which shared in the munificence and disputed for the affections of the king.[2]

From the sad reflections which must have clouded his mind on this occasion, the monarch suddenly turned, with his characteristic versatility and energy, to the cares of government.

[1] Rymer, Fœdera, vol. xiii. pp. 43, 44.

[2] The Lady Janet Kennedy, daughter of John, lord Kennedy, had born a son to the king, whom James created Earl of Moray.

Sometime previous to this (but the precise date is uncertain) he provided the King of Denmark with vessels and troops for the reduction of the Norwegians, who had risen against his authority. The Scottish auxiliaries, in conjunction with the Danish force and a squadron furnished by the elector of Brandenburg, were commanded by Christiern, prince royal of Denmark, and the insurgent Norwegians for the time completely reduced, whilst their chief, Hermold, was taken prisoner and executed. James's fleet now returned to Scotland; the artillery and ammunition which formed their freight were carried to the castle of Edinburgh, and a mission of Snowdon, herald to the Danish king, to whom James sent a present of a coat of gold, evinced the friendly alliance which existed between the two countries.[3]

All was now ready for the approaching nuptials of the king. The Pope had given his dispensation, and confirmed the treaties; James had renewed his oath for their observation, and the youthful bride, under the care of the Earl of Surrey, and surrounded by a splendid retinue, set out on her journey to Scotland. Besides Surrey and his train, the Earl of Northumberland, Lord Dacre, the Archbishop of York, the Bishop of Durham, and other civil and ecclesiastical grandees, accompanied the princess, who was now in her fourteenth year; and at Lamberton kirk, in Lammermuir, she was met by the Archbishop of Glasgow, the Earl of Morton, and a train of Scottish barons. The royal tents, which had been sent forward, were now pitched for her reception; and according to the terms of the treaty, the Earl of Northumberland delivered her with great solemnity to the commissioners of the king. The cavalcade then proceeded towards Dalkeith. When she reached Newbattle, she was met by

[3] This expedition of the Scottish ships to Denmark, in 1502-3, is not to be found in Pinkerton. Its occurrence is established beyond doubt by the MS. accounts of the Lord High Treasurer, and by the Historians of Denmark.—Lacombe, Histoire de Dannemarc, vol. i. p. 257.

the prince himself, with all the ardour of a youthful lover, eager to do honour to the lady of his heart. The interview is described by an eye-witness, and presents a curious picture of the manners of the times. Darting, says he, like a hawk on its quarry, James eagerly entered her chamber, and found her playing at cards: he then, after an embrace, entertained her by his performance upon the clarichord and the lute: on taking leave, he sprung upon a beautiful courser without putting his foot in the stirrup, and pushing the animal to the top of his speed, left his train far behind.[1] At the next meeting the princess exhibited her musical skill, whilst the king listened on bended knee, and highly commended the performance. When she left Dalkeith to proceed to the capital, James met her, mounted on a bay horse, trapped with gold; he and the nobles in his train riding at full gallop, and suddenly checking, and throwing their steeds on their haunches, to exhibit the firmness of their seat. A singular chivalrous exhibition now took place: a knight appeared on horseback, attended by a beautiful lady, holding his bridle and carrying his hunting horn. He was assaulted by Sir Patrick Hamilton, who seized the damsel, and a mimic conflict took place, which concluded by the king throwing down his gage and calling "peace." On arriving at the suburbs, the princess descended from her litter, and, mounted upon a pillion behind the royal bridegroom, rode through the streets of the city to the palace, amid the acclamations of the people.[2] On the 8th of August the ceremony of the marriage was performed by the Archbishop of St Andrews in the abbey church of Holyrood; and the festivities which followed were still more splendid than those which had preceded it. Feasting, masques, morris dances, and dramatic entertainments, occupied successive nights of revelry. Amid the tournaments which were exhibited, the king appeared in the character of the Savage Knight, surrounded by wild men disguised in goats' skins; and by his uncommon skill in these martial exercises, carried off the prize from all who competed with him. Besides the English nobles, many foreigners of distinction attended the wedding, amongst whom, one of the most illustrious was Anthony D'Arsie de la Bastie, who fought in the barriers with Lord Hamilton, after they had tilted with grinding spears. Hamilton was nearly related to the king; and so pleased was James with his magnificent retinue and noble appearance in honour of his marriage, that he created him Earl of Arran on the third day after the ceremony.[3] De la Bastie also was loaded with gifts; the Countess of Surrey, the Archbishop of York;[4] the officers of the queen's household, down to her meanest domestic, experienced the liberality of the monarch; and the revels broke up, amidst enthusiastic aspirations for his happiness, and commendations of his unexampled generosity and gallantry.

Scarce had these scenes of public rejoicing concluded, when a rebellion broke out in the north which demanded the immediate attention of the king. The measures pursued by James in the Highlands and the Isles had been hitherto followed with complete success. He had visited these remote districts in person; their fierce chiefs had submitted to his power, and in 1495 he had returned to his capital, leading captive the only two delinquents who offered any serious resistance—Mackenzie of Kintail, and Macintosh, heir to the Captain of clan Chattan. From this period till the year 1499, in the autumn of which the monarch held his court in South Cantire, all appears to have remained in tranquillity; but after his return (from what causes cannot be discovered) a complete change took place in the policy of the king, and the wise and moderate measures already adopted were succeeded by proceedings so severe as to border on injus-

[1] Leland, Collectanea, vol. iv. p. 284.
[2] Ibid. vol. iv. pp. 286, 287.
[3] Mag. Sig. xiii. 639. Aug. 11, 1503.
[4] Accounts of the Lord High Treasurer, sub anno 1503. August 9, 11, 12, 13.

tice. The charters which had been granted during the last six years to the vassals of the Isles, were summarily revoked. Archibald, earl of Argyle, was installed in the office of lieutenant, with the ample and invidious power of leasing out the entire lordship of the Isles.[1] The ancient proprietors and their vassals were violently expelled from their hereditary property; whilst Argyle and other royal favourites appear to have been enriched by new grants of their estates and lordships. We are not to wonder that such harsh proceedings were loudly reprobated: the inhabitants saw, with indignation, their rightful masters exposed to insult and indigence, and at last broke into open rebellion. Donald Dhu, grandson of John, lord of the Isles, had been shut up for forty years, a solitary captive in the castle of Inchconnal. His mother was a daughter of the first Earl of Argyle; and although there is no doubt that both he and his father were illegitimate,[2] the affection of the Islemen overlooked the blot in his scutcheon, and fondly turned to him as the true heir of Ross and Innisgail. To reinstate him in his right, and place him upon the throne of the Isles, was the object of the present rebellion.[3] A party, led by the MacIans of Glencoe, broke into his dungeon, liberated him from his captivity, and carried him in safety to the castle of Torquil Macleod in the Lewis; whilst measures were concerted throughout the wide extent of the Isles for the establishment of their independence, and the destruction of the regal power. Although James received early intelligence of the meditated insurrection, and laboured by every method to dissolve the union amongst its confederated chiefs, it now burst forth with destructive fury. Badenoch was wasted with all the ferocity of Highland warfare,—Inverness given to the flames; and so widely and rapidly did the contagion of independence spread throughout the Isles, that it demanded the most prompt and decisive measures to arrest it. But James's power, though shook, was too deeply rooted to be thus destroyed. The whole array of the kingdom was called forth. The Earls of Argyle, Huntly, Crawford, and Marshall, with Lord Lovat and other barons, were appointed to lead an army against the Islanders; the castles and strongholds in the hands of the king were fortified and garrisoned; letters were addressed to the various chiefs, encouraging the loyal by the rewards which awaited them, whilst over the heads of the wavering or disaffected were suspended the terrors of forfeiture and execution. But this was not all: a parliament assembled at Edinburgh on the 11th of March 1503,[4] and in addition to the above vigorous resolutions, the civilisation of the Highlands, an object which had engrossed the attention of many a successive council, was again taken into consideration. To accomplish this end, those districts, whose inhabitants had hitherto, from their inaccessible position, defied the restraints of the law, were divided into new sheriffdoms, and placed under the jurisdiction of permanent judges. The preamble of the act complained in strong terms of the gross abuse of justice in the northern and western divisions of the realm,—more especially the Isles; it described the people as having become altogether savage, and provided that the new sheriffs for the north Isles should hold their courts in Inverness and Dingwall, and those for the south, in the Tarbet of Lochkilkerran. The inhabitants of Dowart, Glendowart, and the lordship of Lorn, who for a long period had violently resisted the jurisdiction of the justice-ayres or ambulatory legal courts, were commanded to come to the justice-ayre at Perth, and the districts of Mawmor and Lochaber, which had insisted on the same exemption, were brought under the jurisdiction of the justice-ayre

[1] The island of Isla, and the lands of North and South Cantire, were alone excepted.

[2] Acts of the Parliament of Scotland, vol. ii. p. 247.

[3] Ibid.

[4] Acts of the Parliament of Scotland, vol. ii. pp. 239 249.

of Inverness. The divisions of Bute, Arran, Knapdale, Cantire, and the larger Cumbrae, were to hold their courts at Ayr, whilst the deplorable condition of Argyle was marked by the words of the act, "that the court is to be held wherever it is found that each Highlander and Lowlander may come without danger, and ask justice," —a problem of no easy discovery. The districts of Ross and Caithness, now separated from the sheriffdom of Inverness, were placed under their own judges; and it was directed that the inhabitants of these three great divisions of the kingdom should as usual attend the justice-ayre of Inverness.

It appears that, for the purpose of quieting the Lowland districts, the king had adopted a system, not uncommon in those times, of engaging the most powerful of the resident nobles and gentry in a covenant or "band," which, under severe penalties, obliged them to maintain order throughout the country. By such means the blessings of security and good government had been enjoyed by Dumfriesshire, a district hitherto much disturbed; and the Earl of Bothwell now earnestly recommended a similar method to be pursued in the reduction of Teviotdale.

In the same parliament a court of daily council was appointed, the judges of which were to be selected by the king, and to hold their sittings in Edinburgh. The object of this new institution was to relieve the lords of the "Session" of the confusion and pressure of business which had arisen from the great accumulation of cases, and to afford immediate redress to those poorer litigants whose matters had been delayed from year to year. The ferocity of feudal manners and the gradual introduction of legal subtleties were strikingly blended in another law passed at this time, by which it was directed that no remissions or pardons were hereafter to contain a general clause for all offences, as it was found that by this form much abuse of justice had been introduced. A ferocious ruffian, for example, who to the crime of murder had, as was generally the case, added many inferior offences, in purchasing his remission, was in the practice of stating only the minor delinquency, and afterwards pleading that the murder was included under the pardon. It was now made imperative that, before any remission was granted, the highest offence should be ascertained, and minutely described in the special clause; it being permitted to the offender to plead his remission for all crimes of a minor description. The usual interdiction was repeated against all export of money forth of the realm; forty shillings being fixed as the maximum which any person might carry out of the country. The collection of the royal customs was more strictly insured: it was enjoined that the magistrates of all burghs should be annually changed; that no Scottish merchants should carry on a litigation beyond seas, in any court but that of the Conservator, who was to be assisted by a council of six of the most able merchants, and was commanded to visit Scotland once every year. The burghs of the realm were amply secured in the possession of their ancient privileges, and warning was given to their commissaries or headmen, that when any tax was to be proposed, or contribution granted by the parliament, they should be careful to attend and give their advice in that matter as one of the three estates of the realm,—a provision demonstrating the obsoleteness of some of the former laws upon this subject, and proving that an attendance upon the great council of the kingdom was still considered a grievance by the more laborious classes of the community. With regard to the higher landed proprietors, they were strongly enjoined to take seisin, and enter upon the superiority of their lands, so that the vassals who held under them might not be injured by their neglect of this important legal solemnity; whilst every judge, who upon a precept from the Chancery had given seisin to any baron, was directed to keep an attested register of such proceeding in a court

book, to be lodged in the Exchequer.

It appears by a provision of the same parliament that "the green wood of Scotland" was then utterly destroyed, a remarkable change from the picture formerly given in this work of the extensive forests which once covered the face of the country. To remedy this, the fine for the felling or burning of growing timber was raised to five pounds, whilst it was ordered that every lord or laird in those districts where there were no great woods or forests, should plant at the least one acre, and attempt to introduce a further improvement, by enclosing a park for deer, whilst he attended also to his warrens, orchards, hedges, and dovecots. All park-breakers and trespassers within the enclosures of a landholder were to be fined in the sum of ten pounds, and if the delinquency should be committed by a child, he was to be delivered by his parents to the judge, who was enjoined to administer corporal correction in proportion to its enormity. In the quaint language of the act, "the bairn is to be lashed, scourged, and dung according to the fault." All vassals, although it was a time of peace, were commanded to have their arms and harness in good order, to be inspected at the annual military musters or weapon-schawings. By an act passed in the year 1457 it had been recommended to the king, lords, and prelates to let their lands in "few farm;" but this injunction, which when followed was highly beneficial to the country, had fallen so much into disuse that its legality was disputed; it loosened the strict ties of the feudal system by permitting the farmers and labourers to exchange their military services for the payment of a land rent; and although it promoted agricultural improvement, it was probably opposed by a large body of the barons, who were jealous of any infringement upon their privileges. The benefits of the system, however, were now once more recognised. It was declared lawful for the sovereign, his prelates, nobles, and landholders, to "set their lands in few," under any condition which they might judge expedient, taking care, however, that by such leases the annual income of their estates should not be diminished to the prejudice of their successors. No creditor was to be permitted to seize for debt, or to order the sale of any instruments of agriculture; an equalisation of weights and measures was commanded to be observed throughout the realm; it was ordained that the most remote districts of the country, including the Isles, should be amenable to the same laws as the rest of the kingdom; severe regulations were passed for an examination into the proper qualifications of notaries; and an attempt was made to reduce the heavy expenses of litigation, and for the suppression of strong and idle paupers. The parliament concluded by introducing a law which materially affected its own constitution. All barons or freeholders, whose annual revenue was below the sum of one hundred marks of the new extent established in 1424, were permitted to absent themselves from the meeting of the three estates, provided they sent their procurators to answer for them, whilst all whose income was above that sum were, under the usual fine, to be compelled to attend.[1]

Such were the most remarkable provisions of this important meeting of the three estates, but in these times the difficulty did not so much consist in the making good laws as in carrying them into execution. This was particularly experienced in the case of the Isles, where the rebellion still raged with so much violence that it was found necessary to despatch a small naval squadron under Sir Andrew Wood and Robert Barton, two of the most skilful officers in the country, to co-operate with the land army, which was commanded by the Earl of Arran, lieutenant-general of the king.[2] James, who at present meditated an expedition in person against the broken clans of Eskdale and Teviotdale, could not accompany his fleet further than

[1] Acts of the Parliament of Scotland, vol. ii. pp. 240-254.

[2] Treasurer's Accounts, 1504. March 14

Dumbarton.[1] The facility with which Wood and Barton reduced the strong insular castle of Carneburgh, which had attempted to stand a siege, and compelled the insurgent chiefs to abandon their attempts at resistance, convinced him that in his attention to his navy he had not too highly estimated its importance. Aware also of the uncommon energy with which the monarch directed his military and naval resources, and witnessing the rapidity with which delinquents were overtaken by the royal vengeance, Macleod, MacIan, and others of the most powerful of the Island lords, adopted the wiser policy of supporting the crown, being rewarded for their fidelity by sharing in the forfeited estates of the rebels.[2]

A temporary tranquillity having been thus established in the north, the king proceeded, at the head of a force which overawed all opposition, into Eskdale. Information was sent to the English monarch, requesting him to co-operate in this attempt to reduce the warlike Borderers, whose habits of plunder were prejudicial to the security of either country; and Lord Dacre, the warden, received his master's instructions to meet the Scottish king and afford him every assistance. He repaired accordingly to James's head-quarters at Lochmaben, and proceedings against the freebooters of these districts were commenced with the utmost vigour and severity. None, however, knew better than James how to combine amusement with the weightier cares of government. He was attended in his progress by his huntsmen, falconers, morris dancers, and all the motley and various minions of his pleasures, as well as by his judges and ministers of the law; and whilst troops of the unfortunate marauders were seized and brought in irons to the encampment, executions and entertainments appear to have succeeded each other with extraordinary rapidity.[3] The severity of the monarch to all who had disturbed the peace of the country was as remarkable as his kindness and affability to the lowest of his subjects who respected the laws; and many of the ferocious Borderers, to whom the love of plunder had become a second nature, but who promised themselves immunity because they robbed within the English pale, lamented on the scaffold the folly of such anticipation. The Armstrongs, however, appear at this time to have made their peace with the crown,[4] whilst the Jardines, and probably other powerful septs, purchased a freedom from minute inquiry by an active co-operation with the measures of the sovereign.

On his return from the "Raid of Eskdale" to Stirling, James scarcely permitted himself a month's repose, which was occupied in attention to the state of his fleet, and in negotiation by mutual messengers with the Lord Aubigny in France, when he judged it necessary to make a progress across the Mounth as far as Forres, visiting Scone, Forfar, Aberdeen, and Elgin, inquiring into the state of this part of his dominions, scrutinising the conduct of his sheriffs and magistrates, and declaring his readiness to redress every grievance, were it sustained by the poorest tenant or labourer in his dominions.[5]

Soon after his return he received the unpleasant intelligence that disturbances had again broken out in the Isles, which would require immediate interference. In 1504 great efforts had been made, but with little permanent success, and the progress of the insurrection became alarming. Macvicar, an envoy from Macleod, who was then in strict alliance with the king, remained three weeks at court: MacIan also had sent his emissaries to explain the perilous condition of the country; and, with his characteristic energy, the king, as soon as the state of the year permitted, despatched the

[1] Treasurer's Accounts, sub anno 1504. April 18, 30; May 6, 9, 10, and 11.
[2] Ibid. 1504. May 7, 11.
[3] Ibid. August 9, 1504; also under August 17, 19, 20, 21, 23, 31. For the particulars see the entries on this expedition.
[4] Treasurer's Accounts, 1504, September 2.
[5] Ibid. 1504, sub mense October. See also September 26.

Earl of Huntly to invade the Isles by the north, whilst himself in person led an army against them from the south; and John Barton proceeded with a fleet to reduce and overawe these savage districts.[1] The terror of the royal name; the generosity with which James rewarded his adherents; and the vigorous measures which he adopted against the disaffected, produced a speedy and extensive effect in dissolving the confederacy. Maclean of Dowart, Macquarrie of Ulva, with Macneill of Barra, and Mackinnon, offered their submission, and were received into favour; and the succeeding year (1506) witnessed the utter destruction of Torquil Macleod, the great head of the rebellion, whose castle of Stornoway in Lewis was stormed by Huntly; whilst Donald Dhu, the captive upon whose aged head his vassals had made this desperate attempt to place the crown of the Isles, escaping the gripe of the conqueror, fled to Ireland, where he soon after died.[2]

It was now proper for the monarch to look to his foreign relations, to seize the interval of peace at home, that he might strengthen his ties with the continent. France, the ally of Scotland, had been too constantly occupied with hostilities in Italy, to take an interest in preventing the negotiations for the marriage of the king to the Princess of England. The conquest of the Milanese by the arms of Lewis the Twelfth, in which Robert Stuart, lord of Aubigny, had distinguished himself, and the events which succeeded in the partition of the kingdom of Naples between the Kings of France and Castile, concentrated the attention of both monarchs upon Italy, and rendered their intercourse with Britain less frequent. But when the quarrel regarding the division of the kingdom of Naples broke out between Ferdinand and Lewis, in 1503, and the defeats of Seminara and Cerignola had established the superiority of the Spanish arms in Italy, negotiations between Lewis and the Scottish court appear to have been renewed. The causes of this were obvious. Henry the Seventh of England esteemed none of his foreign alliances so highly as that with Spain: his eldest son, Arthur, had espoused Catharine the Infanta; and on the death of her husband, a dispensation had been procured from the Pope for her marriage with his brother Henry, now Prince of Wales. It was evident to Lewis that his rupture with Spain was not unlikely to bring on a quarrel with England, and it became therefore of consequence to renew his negotiations with James the Fourth.

These, however, were not the only foreign cares which attracted the attention of the king. In the autumn of the year 1505, Charles d'Egmont, duke of Gueldres, a prince of spirit and ability, who with difficulty maintained his dominions against the unjust attacks of the Emperor Maximilian, despatched his secretary on an embassy to the Scottish monarch, requesting his interference and support.[3] Nor was this denied him. The duke had listened to the advice of the Scottish prince when he requested him to withdraw his intended aid from the unfortunate Edmund de la Pole, earl of Suffolk, the representative of the house of York, who had sought a refuge at his court; and James now anxiously exerted himself in his behalf. He treated his envoy with distinction; despatched an embassy to the duke, which, in passing through France, secured the assistance of Lewis the Twelfth, and so effectually remonstrated with Henry the Seventh and the Emperor Maximilian, that all active designs against the duchy of Gueldres were for the present abandoned.[4]

[1] Treasurer's Accounts, 1505, September 6.

[2] Nor whilst the Bartons, by their naval skill secured the integrity of the kingdom at home, did the monarch neglect their interests abroad. Some of their ships, which had been cruising against the English in 1497, had been seized and plundered on the coast of Brittany, and a remonstrance was addressed to Lewis the Twelfth by Panter, the royal secretary, which complained of the injustice, and insisted on redress. Epistolæ Regum Scotorum, vol. i. pp. 17, 18.

[3] Accounts of the High Treasurer, 1505, September 6.

[4] Ibid. 1506, July 6 and 8. Epistolæ Regum Scotorum, vol. i. pp. 21, 30, 34.

In the midst of these transactions, and whilst the presence of Huntly, Barton, and the Scottish fleet was still necessary in the Isles, the more pacific parts of the country were filled with joy by the birth of a prince, which took place at Holyrood on the 10th of February 1506. None could testify greater satisfaction at this event than the monarch himself.[1] He instantly despatched messengers to carry the news to the Kings of England, France, Spain, and Portugal; and on the 23d of February the baptism was held with magnificence in the chapel of Holyrood. The boy was named James, after his father; but the sanguine hopes of the kingdom were, within a year, clouded by his premature death.

At this conjuncture an embassy from Pope Julius the Second arrived at the court of Scotland. Alarmed at the increasing power of the French in Italy, this pontiff had united his strength with that of the Emperor Maximilian and the Venetians, to check the arms of Lewis, whilst he now attempted to induce the Scottish monarch to desert his ancient ally. The endeavour, however, proved fruitless. James, indeed, reverently received the Papal ambassador, gratefully accepted the consecrated hat and sword which he presented, and loaded him and his suite with presents; he communicated also the intelligence which he had lately received from the King of Denmark, that his ally, the Czar of Muscovy, had intimated a desire to be received into the bosom of the Latin Church; but he detected the political finesse of the warlike Julius, and remained steady to his alliance with France. Nay, scarcely had the ambassador left his court, when he proposed to send Lewis a body of four thousand auxiliaries to serve in his Italian wars,—an offer which the rapid successes of that monarch enabled him to decline.

Turning his attention from the continent to his affairs at home, the king recognised with satisfaction the effects of his exertions in enforcing, by severity and indefatigable personal superintendence, a universal respect for the laws. The husbandman laboured his lands in security, the merchant traversed the country with his goods, the foreign trader visited the markets of the various burghs and seaports fearless of plunder or interruption; and so convinced was the monarch of the success of his efforts, that, with a whimsical enthusiasm, he determined to put it to a singular test. Setting out on horseback, unaccompanied even by a groom, with nothing but his riding cloak cast about him, his hunting knife at his belt, and six-and-twenty pounds for his travelling expenses in his purse, he rode, in a single day, from Stirling to Perth, across the Mounth, and through Aberdeen to Elgin; whence, after a few hours' repose, he pushed on to the shrine of St Duthoc in Ross, where he heard mass. In this feat of bold and solitary activity the unknown monarch met not a moment's interruption; and after having boasted, with an excusable pride, of the tranquillity to which he had reduced his dominions, he returned in a splendid progress to his palace at Stirling, accompanied by the principal nobles and gentry of the districts through which he passed.

Soon after, he despatched the Archbishop of St Andrews and the Earl of Arran to the court of France, for the purpose of procuring certain privileges regarding the mercantile intercourse between the two countries, and to fix upon the line of policy which appeared best for their mutual interest regarding the complicated affairs of Italy. In that country an important change had taken place. The brilliant successes of the Venetians against the arms of Maximilian had alarmed the jealousy of Lewis, and led to an inactivity on his part, which terminated in a total rupture; whilst the peace concluded between the Emperor and James's ally and relative, the Duke of Gueldres, formed, as is well known, the basis of the league of Cambrai, which united, against the single republic of Venice, the apparently irre-

[1] To the lady of the queen's chamber, who brought him the first intelligence, he presented a hundred gold pieces and a cup of silver.

sistible forces of the Pope, the Emperor, and the Kings of France and Spain. For the purpose, no doubt, of inducing the king to become a party to this powerful coalition, Lewis now sent the veteran Aubigny to the Scottish court, with the President of Toulouse;[1] and the monarch, who loved the ambassador for his extraction, and venerated his celebrity in arms, received him with distinction. Tournaments were held in honour of his arrival; he was placed by the king in the highest seat at his own table, appealed to as supreme judge in the lists, and addressed by the title of Father of War. This eminent person had visited Scotland twenty-five years before, as ambassador from Charles the Eighth to James the Third; and it was under his auspices that the league between the two countries was then solemnly renewed. He now returned to the land which contained the ashes of his ancestors, full of years and of honour; but it was only to mingle his dust with theirs, for he sickened almost immediately after his arrival, and died at Corstorphine.[2]

Another object of Lewis in this embassy was to consult with James regarding the marriage of his eldest daughter, to whom Charles, king of Castile, then only eight years old, had been proposed as a husband. Her hand was also sought by Francis of Valois, dauphin of Vienne; and the French monarch declared that he could not decide on so important a question without the advice of his allies, of whom he considered Scotland both the oldest and the most friendly. To this James replied, that since his brother of France had honoured him by asking his advice, he would give it frankly as his opinion, that the princess ought to marry within her own realm of France, and connect herself rather with him who was to succeed to the crown than with any foreign potentate; this latter being a union out of which some colourable or pretended claim might afterwards be raised against the integrity and independence of his kingdom. The advice was satisfactory, for it coincided with the course which Lewis had already determined to follow.

Happy in the affections of his subjects, and gratified by observing an evident increase in the wealth and industry of the kingdom, the king found leisure to relax from the severer cares of government, and to gratify the inhabitants of the capital by one of those exhibitions of which he was fond even to weakness. A magnificent tournament was held at Edinburgh, in which the monarch enacted the part of the Wild Knight, attended by a troop of ferocious companions disguised as savages; Sir Anthony d'Arsie and many of the French nobles who had formed the suite of Aubigny, were still at court, and bore their part in the pageant of Arthur and his Peers of the Round Table, whilst the prince attracted admiration by the uncommon skill which he exhibited, and the rich gifts he bestowed; but the profuse repetition of such expensive entertainments soon reduced him to great difficulties.

The constant negotiation and intimacy between France and the Scottish court appear at this time to have roused the jealousy of Henry the Seventh. It required, indeed, no great acuteness in this cautious prince to anticipate the probable dissolution of the league of Cambrai, in which event he perhaps anticipated a revival of the ancient enmity of France, and the possible hostility of James. His suspicion was indicated by the seizure of the Earl of Arran and his brother, Sir Patrick Hamilton, who had passed through England to the court of Lewis, without the knowledge of Henry, and were now on their return. In Kent they were met by Vaughan, an emissary of England; and, on their refusal to take an oath which bound them to the observation of peace with that

[1] "Vicesima prima Martii antedicti, Galliæ oratores, Dⁿᵘˢ videlicet D'Aubeny et alter, supplicationum regiæ domus Magister, octoginta equis egregie comitati, urbuem ingressi snt, Scotiam petituri."—Narratio Hist. de gestis Henrici VII. per Bernardum Andream Tholosatem. Cotton. MSS. Julius A. iii.

[2] Lesley's History, Bannatyne edit. p. 77.

country, they were detained and committed to custody. To explain and justify his conduct, Henry despatched Dr West on a mission to the king, who resented the imprisonment of his subjects, and declared that they had only fulfilled their duty in refusing the oath. He declined a proposal made for a personal interview with his royal father-in-law, insisted on the liberation of Arran, and on these conditions agreed to delay, for the present, any renewal of the league with France. The imprisoned nobles, however, were not immediately dismissed; and, probably in consequence of the delay, James considered himself relieved from his promise.

The death of the English king occurred not long after, an event which was unquestionably unfortunate for Scotland. His caution, command of temper, and earnest desire of peace, were excellent checks to the inconsiderate impetuosity of his son-in-law; nor, if we except, perhaps, the last-mentioned circumstance of the detention of Arran, can he be accused of a single act of injustice towards that kingdom, so long the enemy of England. The accession of Henry the Eighth, on the other hand, although not productive of any immediate ill effects, drew after it, within no very distant period, a train of events injurious in their progress, and most calamitous in their issue. At first, indeed, all looked propitious and peaceful. The Scottish king sent his ambassador to congratulate his brother-in-law of England on his accession to the throne;[1] and the youthful monarch, in the plenitude of his joy on this occasion, professed the most anxious wishes for the continuance of that amity between the kingdoms which had been so sedulously cultivated by his father. The existing treaties were confirmed, and the two sovereigns interchanged their oaths for their observance;[2] nor, although so nearly allied to Spain by his marriage, did Henry seem at first to share in the jealousy of France which was entertained by that power; on the contrary, even after the battle of Agnadillo had extinguished the hopes of the Venetians, he did not hesitate to conclude a treaty of alliance with Lewis the Twelfth. All these fair prospects of peace, however, were soon destined to be overclouded by the pride and impetuosity of a temper which hurried him into unjust and unprofitable wars.

In the meantime Scotland, under the energetic government of James, continued to increase in wealth and consequence: her navy, that great arm of national strength, had become not only respectable, but powerful: no method of encouragement had been neglected by the king; and the success of his efforts was shewn by the fact, that one of the largest ships of war then known in the world was constructed and launched within his dominions. This vessel, which was named the *Great Michael*, appears to have been many years in building, and the king personally superintended the work with much perseverance and enthusiasm.[3] The family of the Bartons, which for two generations had been prolific of naval commanders, were intrusted by this monarch with the principal authority in all maritime and commercial matters: they purchased vessels for him on the continent, they invited into his kingdom the most skilful foreign shipwrights; they sold some of their own ships to the king, and vindicated the honour of their flag whenever it was insulted, with a readiness and severity of retaliation which inspired respect and terror. The Hollanders had at-

[1] Rotuli Scotiæ, vol. ii. p. 572.

[2] Rymer, Fœdera, vol. xiii. pp. 261, 262.

[3] Her length was two hundred and forty feet, her breadth fifty-six to the water's edge, but only thirty-six within; her sides, which were ten feet in thickness, were proof against shot. In these days ships carried guns only on the upper deck, and the *Great Michael*, notwithstanding these gigantic dimensions, could boast of no more than thirty-five—sixteen on each side, two in the stern, and one in the bow. She was provided, however, with three hundred small artillery, under the names of myaud, culverins, and double-dogs; whilst her complement was three hundred seamen, besides officers, a hundred and twenty gunners, and a thousand soldiers. M'Pherson's Annals of Commerce, vol. ii. p. 42. The minuteness of these details, which are extracted from authentic documents, may be pardoned upon a subject so important as the navy.

tacked a small fleet of Scottish merchantmen,—plundering the cargoes, murdering the crews, and throwing the bodies into the sea. The affair was probably piratical, for it was followed by no diplomatic remonstrance; but an exemplary vengeance followed the offence. Andrew Barton was instantly despatched with a squadron, which captured many of the pirates; and, in the cruel spirit of the times, the admiral commanded the hogsheads which were stowed in the hold of his vessels to be filled with the heads of the prisoners, and sent as a present to his royal master.[1]

So far back as 1476, in consequence of the Bartons having been plundered by a Portuguese squadron, letters of reprisal were granted them, under the protection of which, there seems reason to believe, that they more than indemnified themselves for their losses. The Portuguese, whose navy and commerce were at this time the richest and most powerful in the world, retaliated; and, in 1507, the *Lion*, commanded by John Barton, was seized at Campvere, in Zealand, and its commander thrown into prison. The sons of this officer, however, having procured from James a renewal of their letters of reprisal, fitted out a squadron, which intercepted and captured at various times many richly-laden carracks returning from the Portuguese settlements in India and Africa; and the unwonted apparition of blackamoors at the Scottish court, and sable empresses presiding over the royal tournaments, is to be traced to the spirit and success of the Scottish privateers.

The consequence of this earnest attention to his fleet, was the securing an unusual degree of tranquillity at home. The Islanders were kept down by a few ships of war more effectually than by an army; and James acquired at the same time an increasing authority amongst his continental allies. By his navy he had been able to give assistance on more than one occasion to his relative the King of Denmark; and while the navy of England was still in its infancy, that of the sister country had risen, under the judicious care of the monarch, to a respectable rank, although far inferior to the armaments of the leading navigators of Europe, the Spaniards, the Portuguese, and the Venetians.

It was at this period that the memorable invention of printing—that art which, perhaps, more than any other human discovery, has changed the condition and the destinies of the world—found its way into Scotland, under the auspices of Walter Chepman, a servant of the king's household.[2] Two years before, the skill and ingenuity of Chepman appear to have attracted the notice of his royal master; and as James was a friend to letters, and an enthusiast in every new invention, we may believe that he could not view this astonishing art with indifference. We know that he purchased books from the typographer; and that a royal patent to exercise his mystery was granted to the artist; the original of which still exists amongst our national records. The art, as is well known, had been imported into England by Caxton as early as the year 1474. Yet more than thirty years elapsed before it penetrated into Scotland,—a tardiness to be partly accounted for by the strong principle of concealment and monopoly.

Amidst all these useful cares, the character of the monarch, which could no longer plead for its excuse the levity or thoughtlessness of youth, exhibited many inconsistencies. He loved his youthful queen with much apparent tenderness, yet he was unable to renounce that indiscriminate admiration of beauty, and devotion to pleasure, which, in defiance of public decency and moral restraint, sought its gratification equally amongst the highest and lowest ranks of society. He loved his people, and would, in the ardent generosity of his disposition, have suffered any personal privation to have saved the meanest of his subjects

[1] Lesley's History, Bannatyne edit. p. 74.

[2] He printed in the year 1508 a small volume of pamphlets, and soon after, the "Breviary of Aberdeen."

from distress; but his thoughtless prodigality to every species of empiric, to jesters, dancers, and the lowest retainers about his court, with his devotion to gambling, impoverished his exchequer, and drove him in his distresses to expedients which his better reason lamented and abandoned. Large sums of money also were expended in the idle pursuits of alchemy, and the equally vain and expensive endeavours for the discovery of gold mines in Scotland: often, too, in the midst of his labours, his pleasures, and his fantastic projects, the monarch was suddenly seized with a fit of ascetic penitence, at which times he would shut himself up for many days with his confessor, resolve on an expedition to Jerusalem, or take a solitary pilgrimage on foot to some favourite shrine, where he wept over his sins, and made resolutions of amendment, which, on his return to the world, were instantly forgotten. Yet all this contradiction and thoughtlessness of mind was accompanied by so much kindliness, accessibility, and warm and generous feeling, that the people forgot or pardoned it in a prince, who, on every occasion, shewed himself their friend.

It was now two years since the accession of Henry the Eighth to the crown; and the aspect of affairs in England began to be alarming. The youthful ambition of the English king had become dazzled with the idle vision of the conquest of France; he already pondered on the dangerous project of imitating the career of Edward the Third and Henry the Fifth; whilst such was the affection of James for his ally, that any enterprise for the subjugation of that kingdom was almost certain to draw after it a declaration of war against the aggressor. Nor were there wanting artful and insidious friends, who, to accomplish their own ends, endeavoured to direct the arms of Henry against Lewis. Pope Julius the Second and Ferdinand of Spain having gained the object they had in view by the league of Cambrai, had seceded from that coalition, and were now anxious to check the successes of the French in Italy. The pontiff, with the violence which belonged to his character, left no measure unattempted to raise a powerful opposition against a monarch whose arms, under Gaston de Foix and the Chevalier Bayard, were everywhere triumphant; and well aware that an invasion of France by Henry must operate as an immediate diversion, he exhausted all his policy to effect it: he at the same time succeeded in detaching the emperor and the Swiss from the league; and the result of these efforts was a coalition as formidable in every respect as that which had been arrayed so lately against the Venetians. Julius, who scrupled not to command his army in person, Ferdinand of Spain, Henry the Eighth, and the Swiss republics, determined to employ their whole strength in the expulsion of the French from the Italian states; and Lewis, aware of the ruin which might follow any attempt to divide the forces of his kingdom, found himself under the necessity of recalling his troops, and abandoning the possessions which had cost him so many battles.

These transactions were not seen by James without emotion. Since the commencement of his reign, his alliance with France had been cordial and sincere. A lucrative commercial intercourse, and the most friendly ties between the sovereigns and the nobility of the two countries, had produced a mutual warmth of national attachment; the armies of France had repeatedly been commanded by Scotsmen; and, throughout the long course of her history, whenever Scotland had been menaced or attacked by England, she had calculated without disappointment upon the assistance of her ally. As to the wisdom of this policy upon the part of her sovereigns, it would now be idle to inquire; it being too apparent that, except where her independence as a nation was threatened, that kingdom had everything to lose and nothing to gain by a war with the sister country. But these were not the days in which the folly of a war of territorial conquest was recognised by

European monarchs; and the gallantry of the Scottish prince disposed him to enter with readiness into the quarrel of Lewis. We find him accordingly engaged in the most friendly correspondence with this sovereign, requesting permission, owing to the failure of the harvest, to import grain from France, and renewing his determination to maintain in the strictest manner the ties of amity and support.

At this crisis an event happened which contributed in no small degree to fan the gathering flame of animosity against England. Protected by their letters of reprisal, and preserving, as it would appear, a hereditary animosity against the Portuguese, the Bartons had fitted out some privateers, which scoured the Western Ocean, took many prizes, and detained and searched the English merchantmen under the pretence that they had Portuguese goods on board. It is well known that at this period, and even so late as the days of Drake and Cavendish, the line between piracy and legitimate warfare was not precisely defined, and there is reason to suspect that the Scottish merchants having found the vindication of their own wrongs and the nation's honour a profitable speculation, were disposed to push their retaliation to an extent so far beyond the individual losses they had suffered, that their hostilities became almost piratical. So, at least, it appeared to the English: and it is said that the Earl of Surrey, on hearing of some late excesses of the privateers, declared that "the narrow seas should not be so infested whilst he had an estate that could furnish a ship, or a son who was able to command it." He accordingly fitted out two men-of-war, which he intrusted to his sons, Lord Thomas Howard and Sir Edward Howard, afterwards Lord High-admiral; and this officer having put to sea, had the fortune to fall in with Andrew Barton, in the Downs, as he was returning from a cruise on the coast of Portugal. The engagement which followed was obstinately contested: Barton commanded his own ship, the *Lion*; his other vessel was only an armed pinnace: but both fought with determined valour till the Scottish admiral was desperately wounded; it is said that even then this bold and experienced seaman continued to encourage his men with his whistle,[1] till receiving a cannon shot in the body, it dropped from his hand, and he fell dead upon the deck. His ships were then boarded, and carried into the Thames; the crews, after a short imprisonment, being dismissed, but the vessels detained as lawful prizes. It was not to be expected that James should tamely brook this loss sustained by his navy, and the insult offered to his flag in a season of peace. Barton was a personal favourite, and one of his ablest officers; whilst the *Lion*, the vessel which had been taken, was only inferior in size to the *Great Harry*, at that time the largest ship of war which belonged to England. Rothesay herald was accordingly despatched on the instant, with a remonstrance and a demand for redress; but the king had now no longer to negotiate with the cautious and pacific Henry the Seventh, and his impetuous successor returned no gentler answer than that the fate of pirates ought never to be a matter of dispute among princes.

It happened unfortunately that at this moment another cause of irritation existed: Sir Robert Ker, an officer of James's household, master of his artillery, and warden of the middle marches, having excited the animosity of the Borderers by what they deemed an excessive rigour, was attacked and slain by three Englishmen named Lilburn, Starhead, and Heron.[2] This happened in the time of Henry the Seventh, by whom Lilburn was delivered to the Scots, whilst Starhead and Heron made their escape; but such

[1] Lesley, Bannatyne edition, pp. 82, 83. Pinkerton, ii. 69, 70. A gold whistle was, in England, the emblem of the office of High-admiral. Kent's Illustrious Seamen, vol. i. p. 519.

[2] The name as given by Buchanan (book xiii. c. 26) is Starhead. Starhedus. Pinkerton (vol. ii. p. 71) has Sarked; but he gives no authority for the change.

was the anxiety of the English king to banish every subject of complaint, that he arrested Heron, the brother of the murderer, and sent him in fetters to Scotland. After some years Lilburn died in prison, whilst Starhead and his accomplice stole forth from their concealment; and trusting that all would be forgotten under the accession of a new monarch, began to walk more openly abroad. But Andrew Ker, the son of Sir Robert, was not thus to be cheated of his revenge: two of his vassals sought out Starhead's residence during the night, although it was ninety miles from the Border, and, breaking into the house, murdered him in cold blood; after which they sent his head to their master, who exposed it, with all the ferocity of feudal exultation, in the most conspicuous part of the capital,—a proceeding which appears to have been unchecked by James, whilst its summary and violent nature could hardly fail to excite the indignation of Henry. There were other sources of animosity in the assistance which the English monarch had afforded to the Duchess of Savoy against the Duke of Gueldres, the relative and ally of his brother-in-law, in the audacity with which his cruisers had attacked and plundered a French vessel which ran in for protection to an anchorage off the coast of Ayr, and the manifest injustice with which he refused to deliver to his sister, the Queen of Scotland, a valuable legacy of jewels which had been left her by her father's will.

Such being the state of affairs between the two countries, an envoy appeared at the Scottish court with letters from the Pope, whilst nearly about the same time arrived the ambassadors of England, France, and Spain. Henry, flattered by the adulation of Julius, who greeted him with the title of Head of the Italian League, had now openly declared war against France; and anxious to be safe on the side of Scotland, he condescended to express his regret, and to offer satisfaction for any violations of the peace. But James detected the object of this tardy proposal, and refused to accede to it. To the message of the King of France he listened with affectionate deference, deprecated the injustice of the league which had been formed against him, and spoke with indignation of the conduct of England, regretting only the schism between Lewis and the See of Rome, which he declared himself anxious by every means to remove. Nor were these mere words of good-will: he despatched his uncle, the Duke of Albany, as ambassador to the emperor, to entreat him to act as a mediator between the Pope and the King of France, whilst the Bishop of Moray proceeded on the same errand to that country,[1] and afterwards endeavoured to instil pacific feelings into the College of Cardinals, and the Marquis of Mantua.

To the proposals of the ambassador of Ferdinand, who laboured to engage him in the Papal league against Lewis, it was answered by the king, that his only desire was to maintain the peace of Christendom; and so earnest were his endeavours upon this subject, that he advised the summoning of a general council for the purpose of deliberating upon the likeliest methods of carrying his wishes into effect. To secure the co-operation of Denmark, Sir Andrew Brownhill was deputed to that court, and letters which strongly recommended the healing of all divisions, and the duty of forgiveness, were addressed to the warlike Julius. It was too late, however: hostilities between France and the Papal confederates had begun; and James, aware that his own kingdom would soon be involved in war, made every effort to meet the emergency with vigour. His levies were conducted on a great scale; and we learn from the contemporary letter of the English envoy then in Scotland, that the country rung with the din of preparation: armed musters were held in every part of the kingdom, not excepting the Isles, now an integral portion of the state: ships were launched —forests felled to complete those on the stocks—Borthwick, the master gunner, was employed in casting can-

[1] Epistolæ Reg. Scot. vol. i. pp. 126-128.

non; Urnebrig, a German, in the manufacture of gunpowder: the *Great Michael* was victualled and cleared out for sea: the castles in the interior dismantled of their guns, that they might be used in the fleet or the army: and the ablest sea officers and mariners collected in the various seaports.[1] In the midst of these preparations the king visited every quarter in person—mingled with his sailors and artisans, and took so constant an interest in everything connected with his fleet, that it began to be rumoured he meant to command it in person. Yet whilst such was the hostile activity exhibited throughout the country, negotiations with England were continued, and both monarchs made mutual professions of their desire to maintain peace; Henry in all probability with insincerity, and James certainly only to gain time. It was at this time that the Scottish queen gave birth to a prince in the palace of Linlithgow, on the 10th of April 1512; who afterwards succeeded to the throne by the title of James the Fifth.[2]

Early in the year 1512, Lord Dacre and Dr West arrived as ambassadors from England, and were received with a studied courtesy, which seemed only intended to blind them to the real designs of Scotland. Their object was to prevail on the king to renew his oath regarding the peace with England; to prevent the sailing of the fleet to the assistance of the French; and to offer, upon the part of their master, his oath for the observation of an inviolable amity with his brother.[3] But the efforts of the English diplomatists were successfully counteracted by the abilities of the French ambassador, De la Motte: they departed, with splendid presents indeed, for the king delighted in shewing his generosity even to his enemies, but without any satisfactory answer; and James, instead of listening to Henry, renewed the league with France, consenting to the insertion of a clause which, in a spirit of foolish and romantic devotion, bound himself and his subjects to that kingdom by stricter ties than before.[4] About the same time an abortive attempt by the Scots to make themselves masters of Berwick, and an attack of a fleet of English merchantmen by De la Motte, who sunk three, and carried seven in triumph into Leith, must be considered equivalent to a declaration of war. Barton, too, Falconer, Mathison, and other veteran sea officers, received orders to be on the look-out for English ships; and, aware of the importance of a diversion on the side of Ireland, a league was entered into with O'Donnel, prince of Connal, who visited the Scottish court, and took the oath of homage to James: Duncan Campbell, one of the Highland chiefs, engaged at the same time to procure some Irish vessels to join the royal fleet—which it was now reckoned would amount to sixteen ships of war, besides smaller craft; a formidable armament for that period, and likely, when united to the squadron of the King of France, to prove, if skilfully commanded, an overmatch for the navy of England. Yet James's preparations, with his other sources of profusion, had so completely impoverished his exchequer, that it became a question whether he would be able to maintain the force which he had fitted out. In a private message sent to Lord Dacre, the Treasurer of Scotland appears to have stated that a present from Henry of five thousand angels, and the payment of the disputed legacy, which with much injustice was still withheld, might produce a revolution in his policy;[5] and it is certain that, on the arrival of letters from Lewis, instigating Scotland to declare war, the reply of the monarch pleaded the impossibility of obeying the injunction unless a large annuity was remitted by France. The Borderers, however, of both countries had already com-

[1] Treasurer's Accounts, 1511, 1512.
[2] Lesley, p. 84.
[3] Ibid. p. 85.
[4] MS. Leagues, Harleian, 1244, pp. 115, 116.
[5] Letter, Lord Dacre to the Bishop of Durham, 17th of August. Caligula, b. iii. 3, quoted by Pinkerton, vol. ii. p. 78. Also Letter, John Ainslow to the Bishop of Durham, 11th of September. Caligula, b. vi. 22.

menced hostilities; and Robert Barton, acting under his letters of reprisal, and scouring the narrow seas, came into Leith, after a successful cruise, with thirteen English prizes.[1]

In their mutual professions of a desire for peace, both governments appear to have been insincere: Henry had determined to signalise his arms by the reconquest of Guienne, and only wished to gain time for the embarkation of his army; James, shutting his eyes to the real interests of his kingdom, allowed a devotion to Lewis, and a too violent resentment for the insult offered to his fleet, to direct his policy. To concentrate his strength, however, required delay. Repeated messages passed between the two courts; the Scottish prince, by his ambassador, Lord Drummond, even proceeded so far as to offer to Henry a gratuitous remission of all the late injuries sustained by his subjects, provided that monarch would abandon the confederacy against France;[2] and although the proposal was rejected, Dr West again proceeded on an embassy to Scotland, of which his original letters have left us some interesting particulars. He found the king engrossed in warlike preparations, yet visited for the moment by one of his temporary fits of penance, in which he projected an expedition to Jerusalem, animated equally by a romantic desire of signalising his prowess against the infidels, and a hope of expiating the guilt which he had incurred in appearing in arms against his father. He had been shut up for a week in the church of the Friars Observants at Stirling; but the effect of this religious retirement seems to have been the reverse of pacific. He expressed himself with the utmost bitterness against the late warlike pontiff, Julius the Second, then recently deceased; declaring that, had he lived, he would have supported a council even of three bishops against him. He had resolved to send Forman, the Bishop of Moray, and the chief author of the war against England, as ambassador to Leo the Tenth, the new Pope; and it was reported that Lewis had secured the services of this able and crafty prelate by the promise of a cardinal's hat. To Henry's offers of redress for the infractions of the truce, provided the Scottish monarch would remain inactive during the campaign against France, he replied that he would not proceed to open hostilities against England without previously sending a declaration by a herald; so that if the king fulfilled his intention of passing into France with his army, ample time should be allowed him to return for the defence of his kingdom. It was unequivocally intimated that peace with France was the only condition upon which an amicable correspondence could be maintained between the two kingdoms; and amongst minor subjects of complaint, Henry's continued refusal to send his sister's jewels was exposed in a spirited letter from that princess, which was delivered by Dr West on his return.[3]

La Motte soon after again arrived from France with a small squadron laden with provisions for the Scottish fleet, besides warlike stores and rich presents to the king and his principal nobles. About the same time the King of Denmark sent several ships into Scotland freighted with arms, harness, and ammunition; and O'Donnel, the Irish potentate, visited the court in person to renew his offers of assistance against England. But an artful proceeding of Anne of Brittany, the consort of Lewis, had, it was believed, a greater effect in accelerating the war than either the intrigues of the Bishop of Moray or the negotiations of La Motte. This princess, who understood the romantic weakness of the Scottish king, addressed to him an epistle conceived in a strain of high-flown and amorous complaint. She described herself as an unhappy damsel, surrounded by danger, claimed his protection from the attacks of a trea-

[1] Lesley, Bannatyne edit. p. 85.

[2] Rymer, Fœdera, vol. xiii. pp. 347, 348.

[3] West to Henry, 1st April. MS. Letter, Brit. Mus. Calig. b. vi. 56. This letter is now printed in "Illustrations of Scottish History," (pp. 76-89,) presented by Moses Steven, Esq., to the Maitland Club.

cherous monarch, and sent him, not only a present of fourteen thousand crowns, but the still more tender gift of a ring from her own finger—a token to her faithful knight upon whose ready aid she implicitly relied. She concluded her letter by imploring him to advance, were it but three steps, into English ground for the sake of his mistress, as she had already suffered much misconstruction in defence of his honour, and in excusing the delay of his expedition.[1] To another monarch than James an appeal like this would have been only excusable at a court pageant or a tournament; but such was his high-wrought sense of honour, that there can be little doubt it accelerated his warlike movements; and when, soon after its delivery, intelligence arrived of the passage of the English army to France, and the opening of the war by Henry the Eighth in person, he at once considered all negotiation as at an end, issued his writs for a general muster of the whole force of his dominions, and ordered every ship in his service to put to sea.

The fleet which assembled evinces that the efforts of the king to create a navy had been eminently successful. It consisted of thirteen great ships, all of them, in the naval phraseology of the times, with three tops, besides ten smaller vessels, and a ship of Lynne lately captured. In addition to these there was the *Great Michael*, a thirty-oared galley which belonged to her, and two ships, the *Margaret* and the *James*, which, although damaged in a late gale, were now repaired and ready to put to sea. Aboard this fleet was embarked a force of three thousand men, under the command of the Earl of Arran, a nobleman of limited experience in the art of war; one of the principal captains of the fleet was Gordon of Letterfury,[2] a son of the Earl of Huntly; but unfortunately Arran's higher feudal rank and his title of Generalissimo included an authority over the fleet as well as the army, and this circumstance drew after it disastrous consequences. Why James should not have appointed some of his veteran sea officers—Barton, Wood, or Falconer—to conduct a navy of which he was so proud to its destination in France, is not easily discoverable, but it probably arose out of some hereditary feudal right which entailed upon rank a command due only to skill, and for which it soon appeared that the possessor was utterly incompetent.

Instead of obeying the orders which he had received from the king, who, with the object of encouraging his seamen, embarked in the *Great Michael*, and remained on board for some time, Arran conducted the fleet to Carrickfergus, in Ireland, landed his troops, and stormed the town with much barbarity, sparing neither age nor sex.[3] The reckless brutality with which the city was given up to the unlicensed fury of the soldiery would at all times have been blamable, but at this moment it was committed during a time of peace, and against the express promise of the king; yet such was the folly or simplicity of the perpetrator, that, with the spirit of a successful freebooter, he did not hesitate to put his ships about and return to Ayr with his plunder. Incensed to the utmost by such conduct, and dreading that his delay might totally frustrate the object of the expedition, James despatched Sir Andrew Wood to supersede Arran in the command; but misfortune still pursued his measures, and before this experienced seaman could reach the coast the fleet had again sailed. Over the future history of an armament which was the boast of the sovereign, and whose equipment had cost the country an immense sum for those times, there rests a deep obscurity. That it reached France is certain, and it is equally clear that only a few ships ever returned to Scotland. Of its exploits nothing has been recorded—a strong presumptive proof that Arran's future conduct in no way redeemed the folly of his commencement. The war, indeed, between Henry and Lewis was

[1] Lindsay, p. 171. Pinkerton, vol. ii. p. 87.
[2] Lesley, p. 87.
[3] Pinkerton's Scottish Poems, vol. i. p. 150.

so soon concluded, that little time was given for naval enterprise, and the solitary engagement by which it was distinguished (the battle of Spurs) appears to have been fought before the Scottish forces could join the French army. With regard to the final fate of the squadron, the probability seems to be that, after the defeat at Flodden, part, including the *Great Michael*, were purchased by the French government; part arrived in a shattered and disabled state in Scotland, whilst others which had been fitted out by merchant adventurers, and were only commissioned by the government, pursued their private courses, and are lost sight of in the public transactions of the times. But we must turn from these unsatisfying conjectures to the important and still more disastrous events which were passing in Scotland.

Although the war was condemned by the wisest heads amongst his council, and the people, with the exception of the Borderers, whose trade was plunder, deprecated the interruption of their pacific labours, so great was the popularity of the king, that from one end of the country to the other his summons for the muster of his army was devotedly obeyed. The Lowland counties collected in great strength, and from the Highlands and the remotest Isles the hardy inhabitants hastened under their several chiefs to join the royal banner. The Earl of Argyle, MacIan of Ardnamurchan, Maclean of Dowart, and Sir Duncan Campbell of Glenurcha, with many other barons, led their clansmen and vassals to support the quarrel of their sovereign, and within a short period James saw himself at the head of an army, which at the lowest computation was a hundred thousand strong.

On the same day in which his fleet had sailed, a herald was despatched to France, who found the English monarch in his camp before Terouen, and delivered a letter, of which the tone was calculated to incense a milder monarch than Henry. It dwelt with some exaggeration upon the repeated injuries and insults which James had received from his brother-in-law. It accused him of refusing a safe-conduct to his ambassador, (a proceeding worthy only of an infidel power;) it upbraided him with a want of common justice and affection in withholding from his sister, the Queen of Scotland, the jewels and the legacy which had been left her by her father;[1] it asserted that the conduct of England, in a late meeting of the commissioners of the two countries on the Borders, had been deficient in honour and good faith; that Heron, the murderer of a Scottish baron, who was dear to the king, was protected in that country; that Scottish subjects in time of peace had been carried off in fetters across the Border; that Andrew Barton had been slaughtered, and his ships unjustly captured by Henry's admiral; whilst that prince not only refused all redress, but shewed the contempt with which he treated the demand by declaring war against James's relative, the Duke of Gueldres, and now invading the dominions of his friend and ally, the King of France. Wherefore, it concluded, "We require you to desist from further hostilities against this most Christian prince, certifying your highness that in case of refusal we shall hold ourselves bound to assist him by force of arms, and to compel you to abandon the pursuit of so unjust a war."[2]

On perusing this letter, Henry broke out into an expression of ungovernable rage, and demanded of the Scottish envoy whether he would carry a verbal answer to his master. "Sir," said the Lion herald, "I am his natural subject, and what he commands me to say that must I boldly utter; but it is contrary to my allegiance to report the commands of others. May it please your highness, therefore, to send an answer in writing—albeit the matter requires deeds rather than words—since it is the king my master's desire that you should straightway

[1] Ellis's Letters, first series, vol. i. p. 64.—Queen Margaret to Henry the Eighth.

[2] These are not the exact words, but a paraphrase of the conclusion of the letter which exists in the British Museum. Caligula, b. vi. 49, 50. It has been printed by Holinshed, p. 135.

return home." "That shall I do," replied Henry, "at mine own pleasure, and not at your sovereign's bidding," adding many injurious reflections upon the broken faith and treachery of the Scottish king; to which the herald replied, as he had been instructed, by a denunciation of war. It was thought proper, however, that a graver answer should be sent to James's remonstrance, and a letter was forthwith drawn up which in violence exceeded it; but as the herald was detained on his return in Flanders, and did not reach Scotland till after the fatal result of Flodden, it was never delivered to the king.[1]

The English monarch boasted, on being informed of James's resolution, that he had left the task of defending his dominions to a noble person who knew well how to execute it with fidelity, and he now addressed his orders to the Earl of Surrey, enjoining him with all expedition to summon the array of the northern counties, and to hold himself in readiness to resist the invasion. It was, indeed, high time to accelerate his levies, for Home, the Lord-chamberlain, at the head of a force of eight thousand men, had already burst across the English Border, and after laying waste the country, was returning home with his booty. A long interval of peace, however, had been followed, as usual, by a decay of military skill amongst the Scots. The chamberlain neglecting his discipline, forgot to push on his pickets, but marching in a confused mass, embarrassed by the cattle which he drove before him, and thoughtless of an enemy, was surprised and defeated with great slaughter at a pass called the Broomhouse, by Sir William Bulmer. The action was, as usual, decided by the English archers, who, concealing themselves in the tall furze with which the place abounded, struck down the Scottish companies by an unexpected discharge of their arrows.[2] This being often repeated, the confusion of their ranks became irrecoverable, and the English horse breaking in upon them gained an easy victory. Five hundred were slain upon the spot, and their leader compelled to fly for his life, leaving his banner on the field, and his brother, Sir George Home, with four hundred men prisoners in the hands of the English. The remainder, consisting of Borderers more solicitous for the preservation of their booty than their honour, dispersed upon the first alarm, and the whole affair was far from creditable to the Scots. So much was the king incensed and mortified by the result of this action, that his mind, already resolved on war, became impatient to wipe out the stain inflicted on the national honour, and he determined instantly to lead his army in person against England.

This was a fatal resolve, and appeared full of rashness and danger to his wisest councillors, who did not scruple to advise him to protract hostilities. The queen earnestly besought him to spare her the unnatural spectacle of seeing her husband arrayed in mortal contest against her brother; and when open remonstrance produced no effect, other methods were employed to work upon the superstition which formed so marked a feature in the royal mind. At Linlithgow, a few days before he set out for his army, whilst attending vespers in the church of St Michael, adjacent to his palace, a venerable stranger of a stately appearance entered the aisle where the king knelt; his head was uncovered, his hair, parted over his forehead, flowed down his shoulders, his robe was blue, tied round his loins with a linen girdle, and there was an air of majesty about him, which inspired the beholders with awe. Nor was this feel-

[1] "We cannot greatly marvel," says Henry to James, "considering the auncient accustumable manners of your progenitors whiche never kept longer faithe and promise than pleased them. . . . And if the example of the King of Navarre being exclused from his realme for the assistance given to the French King cannot restrain you from this unnatural dealing, we suppose ye shall have the assistance of the said French King as the King of Navarre hath nowe, who is a king without a realme."—Holinshed, p. 139.

[2] Holinshed, edit. 1808, p. 471. Hall, p. 556.

ing decreased when the unknown visitant walked up to the king, and leaning over the reading-desk where he knelt, thus addressed him: "Sir, I am sent to warn thee not to proceed in thy present undertaking—for if thou dost, it shall not fare well either with thyself or those who go with thee. Further, it hath been enjoined me to bid thee shun the familiar society and counsels of women, lest they occasion thy disgrace and destruction." The boldness of these words, which were pronounced audibly, seemed to excite the indignation neither of the king nor those around him. All were struck with superstitious dread, whilst the figure, using neither salutation nor reverence, retreated and vanished amongst the crowd. Whither he went, or how he disappeared, no one, when the first feelings of astonishment had subsided, could tell; and although the strictest inquiry was made, all remained a mystery. Sir David Lindsay and Sir James Inglis, who belonged to the household of the young prince, stood close beside the king when the stranger appeared, and it was from Lindsay that Buchanan received the story.[1] The most probable conjecture seems to be, that it was a stratagem of the queen, of which it is likely the monarch had some suspicion, for it produced no change in his purpose, and the denunciation of the danger of female influence was disregarded.

On arriving at headquarters, James was flattered with the evidence he had before him of the affectionate loyalty of his subjects. The war was unpopular with the nobles, yet such was the strength with which the Lowland counties had mustered, and the readiness with which the remotest districts had sent their vassals, that he saw himself at the head of a noble army, admirably equipped, and furnished with a train of artillery superior to that which had been brought into the field by any former monarch of Scotland. Leaving his capital, and apparently without having formed any definite plan of operations, the monarch entered England on the 22d of August; encamping that night on the banks of the river Till, a tributary stream to the Tweed.[2] Here he seems to have remained inactive for two days; and on the 24th, with the view of encouraging his army, he passed an act, that the heirs of all who fell in the present campaign should not be subject to the common feudal fines, but should be free from the burdens of "ward, relief or marriage," without regard to age.[3] The proclamation is dated at Twisselhaugh, and from this place he moved down the side of the Tweed, and invested the castle of Norham, which surrendered after a siege of a week. He then proceeded up the Tweed to Wark, of which he made himself master with equal ease; and advancing for a few miles, delayed some precious days before the towers of Etal and Ford—enterprises unworthy of his arms, and more befitting the raid of a Border freebooter, than the efforts of a royal army. At Ford, which was stormed and razed,[3] Lady Heron, a beautiful and artful woman, the wife of Sir William Heron, who was still a prisoner in Scotland, became James's captive; and the king, ever the slave of beauty, is said to have resigned himself to her influence, which she employed to retard his military operations. Time was thus given for the English army to assemble. Had Douglas or Randolph commanded the host, they would have scoured and laid waste the whole of the north of England within the period that the monarch had already wasted; but James's military experience did not go beyond the accomplishments of a tournament; and although aware that his army was encamped in a barren country, where they must soon become distressed, he idled away his days till the opportunity was past.

Whilst such was the course pursued by the king, the Earl of Surrey, con-

[1] Buchanan, xiii. 31. Pinkerton, vol. ii. p. 96.

[2] Lord Herbert's Life of Henry the Eighth, Kennet, vol. ii. p. 18. Hall says the army amounted to a hundred thousand men.

[3] Acts of the Parliament of Scotland, vol ii. p. 278.

[4] Weber's Flodden Field, pp. 186, 187.

centrating the strength of the northern counties, soon raised an army of twenty-six thousand men; and marching through Durham, received there the sacred banner of St Cuthbert. He was soon after joined by Lord Dacre, Sir William Bulmer, Sir Marmaduke Constable, and other northern barons; and on proceeding to Alnwick, was met by his son, Lord Thomas Howard, who on the death of his brother, Sir Edward, had succeeded him in the office of Lord High-admiral of England, with a reinforcement of five thousand men.[1] On advancing with this united force, Surrey despatched Rouge Croix herald to carry his challenge to the King of Scots, which was couched in the usual stately terms of feudal defiance. It reproached him with having broken his faith and league, which had been solemnly pledged to the King of England, in thus invading his dominions,—and offered him battle on the succeeding Friday, if he would be content to remain so long in England and accept it. Lord Thomas Howard added a message informing the king that, as high-admiral, and one who had borne a personal share in the action against Andrew Barton, he was now ready to justify the death of that pirate, for which purpose he would lead the vanguard, where his enemies, from whom he expected as little mercy as he meant to grant them, would be sure to find him. To this challenge James instantly replied that "he desired nothing more earnestly than the encounter, and would abide the battle on the day appointed." As to the accusation of broken honour, which had been brought against him, he desired his herald to carry a broad denial of the statement. "Our bond and promise," he observed, "was to remain true to our royal brother, so long as he maintained his faith with us. This he was the first to break; we have desired redress, and have been denied it; we have warned him of our intended hostility,—a courtesy which he has refused to us; and this is our just quarrel, which, with the grace of God, we shall defend." These mutual messages passed on the 4th of September; and on the day appointed, Surrey advanced against the enemy. By this time, however, the distress for provisions, the incessant rains, and the obstinacy of the king in wasting upon his pleasures, and his observation of the punctilios of chivalry, the hours which might have been spent in active warfare, had created dissatisfaction in the soldiers, many of whom deserted with the booty they had already collected, so that in a short time the army was much diminished in numbers. To accept the challenge of his adversary, and permit him to appoint a day for the encounter, was contrary to the advice of his best councillors; and he might have recollected that, in circumstances almost similar, two great masters in war, Douglas and Randolph, had treated a parallel proposal of Edward the Third with a sarcastic refusal. He had the sagacity, however, to change his first encampment for a stronger position on the hill of Flodden, one of the last and lowest eminences which detach themselves from the range of the Cheviots; a ground skilfully chosen, inaccessible on both flanks, and defended in front by the river Till, a deep sluggish stream, which wound between the armies.

On advancing and reconnoitring the spot, Surrey, who despaired of being able to attack the Scots without exposing himself to the probability of defeat, again sent a herald, to request the king to descend from the eminence into the plain. He complained somewhat unreasonably that James had "putte himself into a ground more like a fortress or a camp, than any indifferent field for battle to be taxed;"[2] and hoping to work on the chivalrous spirit of the monarch, hinted that "such conduct did not sound to his honour;" but James would not even admit the messenger into his presence. So far all had suc-

[1] Stow says five thousand. Lord Herbert, one thousand, Kennet, vol. ii. p. 78.

[2] Letter of Surrey; published by Ellis, vol. i. pp. 86, 87; dated at "Woolerhaugh, the 7th day of Sept., at five of the clock in the afternoon."

ceeded, and nothing was required on the part of the king but patience. He had chosen an impregnable position, had fulfilled his agreement by abiding the attack of the enemy; and such was the distress of Surrey's army in a wasted country, that to keep it longer together was impossible. He attempted, therefore, a decisive measure, which would have appeared desperate unless he had reckoned upon the carelessness and inexperience of his opponent. Passing the Till on the 8th of September, he proceeded along some rugged grounds on its east side to Barmoor Wood, about two miles distant from the Scottish position, where he encamped for the night. His march was concealed from the enemy by an eminence on the east of Ford; but that the manœuvre was executed without observation or interruption, evinced a shameful negligence in the Scottish commanders. Early on the morning of the 9th he marched from Barmoor Wood in a north-westerly direction; and then turning suddenly to the eastward, crossed the Till with his vanguard and artillery, which was commanded by Lord Howard, at Twisel bridge, not far from the confluence of the Till and the Tweed, — whilst the rear division, under Surrey in person, passed the river at a ford, about a mile higher up.

Whilst these movements were taking place, with a slowness which afforded ample opportunity for a successful attack, the Scottish king remained unaccountably passive. His veteran officers remonstrated. They shewed him that if he advanced against Surrey, when the enemy were defiling over the bridge with their vanguard separated from the rear, there was every chance of destroying them in detail, and gaining an easy victory. The Earl of Angus, whose age and experience gave great weight to his advice, implored him either to assault the English, or to change his position by a retreat, ere it was too late; but his prudent counsel was only received by a cruel taunt,—"Angus," said the king, "if you are afraid, you may go home;" a reproach which the spirit of the old baron could not brook. Bursting into tears, he turned mournfully away, observing that his former life might have spared him such a rebuke from the lips of his sovereign. "My age," said he, "renders my body of no service, and my counsel is despised; but I leave my two sons, and the vassals of Douglas in the field: may the result be glorious, and Angus's foreboding unfounded!" The army of Surrey was still marching across the bridge, when Borthwick, the master of the artillery, fell on his knees before the king, and earnestly solicited permission to bring his guns to bear upon the columns, which might be then done with the most destructive effect; but James commanded him to desist on peril of his head, declaring that he would meet his antagonist on equal terms in a plain field, and scorned to avail himself of such an advantage. The counsel of Huntly was equally ineffectual; the remonstrance of Lord Lindsay of the Byres, a rough warrior, was received by James with such vehement indignation, that he threatened on his return to hang him up at his own gate. Time ran on amidst these useless altercations, and the opportunity was soon irrecoverable. The last divisions of Surrey's force had disentangled themselves from the narrow bridge; the rear had passed the ford; and the earl, marshalling his army with the leisure which his enemy allowed him, placed his entire line between James and his own country. He was thus enabled, by an easy and gradual ascent, which led to Flodden, to march upon the rear of the enemy; and, without losing his advantage for a moment, he advanced against them in full array, his army being divided into two battles, and each battle having two wings.[1] On becoming aware of this, the king immediately set fire to the temporary huts and booths of his encampment, and descended the hill, with the object of occupying the eminence on which the village of

[1] Original Document in State-paper Office, entitled "Articles of the Bataill, betwixt the Kyng of Scottis and the Erle of Surrey, in Brankston Field, the 9th day of September."

Brankston is built. His army was divided into five battles, some of which had assumed the form of squares, some of wedges; and all were drawn up in line, about a bow-shot distance from each other.[1] Their march was conducted in complete silence; and the clouds of smoke which arose from the burning camp, being driven in the face of the enemy, mutually concealed the armies; so that when the breeze freshened, and the misty curtain was withdrawn, the two hosts discovered that they were within a quarter of a mile of each other. The arrangement of both armies was simple. The van of the English, which consisted of ten thousand men, divided into a centre and two wings, was led by Lord Thomas Howard; the right wing being intrusted to his brother, Sir Edmund, and the left to Sir Marmaduke Constable. In the main centre of his host, Surrey himself commanded; the charge of the rear was given to Sir Edward Stanley; and a strong body of horse, under Lord Dacre, formed a reserve. Upon the part of the Scots, the Earls of Home and Huntly led the vanguard or advance; the king the centre, and the Earls of Lennox and Argyle the rear: near which was the reserve, consisting of the flower of the Lothians, commanded by the Earl of Bothwell. The battle commenced at four in the afternoon by a furious charge of Huntly and Home upon the portion of the English vanguard under Sir Edmund Howard: which, after some resistance, was thrown into confusion, and totally routed. Howard's banner was beaten down; and he himself escaped with difficulty, falling back on his brother, the admiral's division. That commander, dreading the consequences of the defeat, instantly despatched a messenger to his father, Lord Surrey, entreating him to extend his line with all speed, and strengthen the van by drawing up a part of the centre on its left. The manœuvre was judicious, but it would have required too long a time to execute it; and at this critical moment, Lord Dacre galloped forward with his cavalry, to the support of the vanguard.[2] Nothing could have been more timely than this assistance; he not only checked the career of the Scottish earls, but, being seconded by the intrepid attack of the admiral, drove back the division of Huntly with great slaughter, whilst Home's men, who were chiefly Borderers, imagining they had already gained the victory, began to disperse and pillage. Dacre and the admiral then turned their attack against another portion of the Scottish vanguard, led by the Earls of Crawford and Montrose, who met them with levelled spears, and resolutely withstood the charge. Whilst such was the state of things on the right, a desperate contest was carried on between James and the Earl of Surrey in the centre. In his ardour, however, the king forgot that the duties of a commander were distinct from the indiscriminate valour of a knight; he placed himself in the front of his lances and billmen, surrounded by his nobles, who, whilst they pitied the gallant weakness of such conduct, disdained to leave their sovereign unsupported.[3] The first consequence of this was so furious a charge upon the English centre, that its ranks were broken; and for a while the standard of the Earl of Surrey was in danger; but by this time Lord Dacre and the admiral had been successful in defeating the division led by Crawford and Montrose; and wheeling towards the left, they turned their whole strength against the flank of the Scottish centre, which wavered under the shock, till the Earl of Bothwell came up with the reserve, and restored the day in this quarter. On the right the divisions led by the Earls of Lennox and Argyle were composed chiefly of the Highlanders and Islemen; the Campbells, Macleans, Macleods, and other hardy clans, who were dreadfully galled by the discharge of the English archers. Unable to reach the enemy with their broadswords and axes, which formed their only weapons, and at no

[1] Gazette of the Battle in the Herald's Office. Pinkerton, vol. ii. p. 458.

[2] Letter of Lord Dacre, in Pinkerton, vol. ii. p. 460.

[3] Hall. p. 562.

time very amenable to discipline, their squadrons began to run fiercely forward, eager for closer fight, and thoughtless of the fatal consequences of breaking their array.[1] It was to little purpose that La Motte and the French officers who were with him attempted by entreaties and blows to restrain them; they neither understood their language nor cared for their violence, but threw themselves sword in hand upon the English. They found, however, an enemy in Sir Edward Stanley, whose coolness was not to be surprised in this manner. The squares of English pikemen stood to their ground; and although for a moment the shock of the mountaineers was terrible, its force once sustained became spent with its own violence, and nothing remained but a disorganisation so complete that to recover their ranks was impossible. The consequence was a total rout of the right wing of the Scots, accompanied by a dreadful slaughter, in which, amid other brave men, the Earls of Lennox and Argyle were slain. Yet, notwithstanding this defeat on the right, the centre, under the king, still maintained an obstinate and dubious conflict with the Earl of Surrey. The determined personal valour of James, imprudent as it was, had the effect of rousing to a pitch of desperate courage the meanest of the private soldiers, and the ground becoming soft and slippery from blood, they pulled off their boots and shoes, and secured a firmer footing by fighting in their hose. No quarter was given on either side; and the combatants were disputing every inch of ground, when Stanley, without losing his time in pursuit of the Highlanders, drew back his division, and impetuously charged the rear of the Scottish centre. It was now late in the evening, and this movement was decisive. Pressed on the flank by Dacre and the admiral, opposed in front by Surrey, and now attacked in the rear by Stanley, the king's battle fought with fearful odds against it; yet James continued by his voice and his gestures to animate his soldiers, and the contest was still uncertain when he fell pierced with an arrow, and mortally wounded in the head by a bill, within a few paces from the English earl, his antagonist. The death of their sovereign seemed only to animate the fury of the Scottish nobles, who threw themselves into a circle round the body, and defended it till darkness separated the combatants. At this time Surrey was uncertain of the result of the battle, the remains of the enemy's centre still held the field; Home with his Borderers hovered on the left, and the commander wisely allowed neither pursuit nor plunder, but drew off his men, and kept a strict watch during the night. When the morning broke, the Scottish artillery were seen standing deserted on the side of the hill, their defenders had disappeared, and the earl ordered thanks to be given for a victory which was no longer doubtful. He then created forty knights on the field, and permitted Lord Dacre to follow the retreat; yet, even after all this, a body of the Scots appeared unbroken upon a hill, and were about to charge the lord admiral, when they were compelled to leave their position by a discharge of the English ordnance.[2] The soldiers then ransacked the camp, and seized the artillery which had been abandoned. It consisted of seventeen cannon, of various shapes and dimensions, amongst which were six guns admirable for their fabric and beauty, named by the late monarch the Six Sisters, which Surrey boasted were longer and larger than any in the arsenal of the King of England. The loss of the Scots in this fatal battle amounted to about ten thousand men.[3] Of these a great proportion were of high rank; the remainder being composed of the gentry, the farmers, and landed yeomanry, who disdained to fly when their sovereign and his nobles lay stretched in heaps around them. Amongst the slain were thirteen earls —Crawford, Montrose, Huntly, Lennox, Argyle, Errol, Athole, Morton,

[1] Buchanan. xiii. 36.

[2] Hall, in Weber's Flodden Field, p. 364.

[3] Original Gazette of the battle preserved in the Herald's Office, London. Apud Pinkerton, vol. ii. p. 456.

Cassillis, Bothwell, Rothes, Caithness, and Glencairn, the king's natural son, the Archbishop of St Andrews, who had been educated abroad by Erasmus, the Bishops of Caithness and the Isles, the Abbots of Inchaffray and Kilwinning, and the Dean of Glasgow. To these we must add fifteen lords and chiefs of clans: amongst whom were Sir Duncan Campbell of Glenurcha, Lauchlan Maclean of Dowart, Campbell of Lawers, and five peers' eldest sons, besides La Motte, the French ambassador, and the secretary of the king. The names of the gentry who fell are too numerous for recapitulation, since there were few families of note in Scotland which did not lose one relative or another, whilst some houses had to weep the death of all. It is from this cause that the sensations of sorrow and national lamentation occasioned by the defeat were peculiarly poignant and lasting; so that to this day few Scotsmen can hear the name of Flodden without a shudder of gloomy regret.[1] The body of James was found on the morrow amongst the thickest of the slain, and recognised by Lord Dacre, although much disfigured by wounds. It was carried to Berwick, and ultimately interred at Richmond.[2] In Scotland, however, the affection of the people for their monarch led them to disbelieve the account of his death; it was well known that several of his nobles had worn in the battle a dress similar to the king's; and to this we may probably trace a report that James had been seen alive after his defeat. Many long and fondly believed that, in completion of a religious vow, he had travelled to Jerusalem, and would return to claim the crown.[3]

The causes which led to this defeat are of easy detection, and must be traced chiefly to the king himself. His obstinacy rendered him deaf to the advice of his officers, and his ignorance of war made his individual judgment the most dangerous guide. The days which he wasted in the siege of Norham and Etal, or squandered at Ford, gave his enemy time to concentrate his army, and, when the hosts were in sight of each other, he committed another error in permitting Surrey to dictate to him the terms on which they were to engage. A third blunder was the neglect of attacking the English in crossing the river, and his obstinacy in not employing his artillery, which might have broken and destroyed the enemy in detail, and rendered their defeat when in confusion comparatively easy. Last of all, James's thoughtlessness in the battle was as conspicuous as his want of judgment before it. When Surrey, mindful of his duty, kept himself as much as possible out of the deadly brunt of the conflict, and was able to watch its progress, and to give each division his prompt assistance, the Scottish monarch acted the part of Richard or Amadis, more solicitous for the display of his individual bravery and prowess, than anxious for the defeat of the enemy. It was a gallant but a fatal weakness, which cannot be sufficiently condemned; dearly expiated, indeed, by the death of the unfortunate prince himself, whose fate, some may think, ought to defend him from such severity of censure; but when we consider the flood of noble and of honest blood which was poured out at Flodden, and the long train of national misfortunes which this disaster entailed upon the country, it is right that the miseries of unnecessary warfare, and the folly of a thirst for individual glory, should be pointed out for the admonition of future ages.

The character of this monarch may be sufficiently understood by the history which has been given of his reign; and it is pleasing, in running over its most prominent features, to exchange censure for applause. His energy, firm-

[1] See Notes and Illustrations, letter X.

[2] Weever's Funeral Monuments, p. 181.

[3] Godwin in his Annals, p. 22, mentions, "That when James's body was found, his neck was opened in the middle with a wide wound, his left hand, almost cut off in two places, did scarce hang to his arm, and the archers had shot him in many places of his body." The sword and dagger of the unfortunate monarch are to be seen at this day preserved in the College of Arms in London, and have been engraved by the late Mr Weber as a frontispiece to the battle of "Flodden Field," an ancient poem published by that author.

ness, and indefatigable activity in the administration of justice; his zeal for the encouragement of the useful arts; his introduction of the machinery of law and justice into the northern districts and the dominions of the Isles; his encouragement of the commerce and the agriculture of the country; his construction of a naval power; his provision for increasing the means of national defence by casting artillery, building forts, and opening by his fleet a communication with the remotest parts of his kingdom, were all worthy of high praise: whilst his kindness of heart, and accessibility to the lowest classes of his subjects, rendered him deservedly beloved. His weaknesses were, a too anxious desire for popularity, an extravagant love of amusement, and a criminal profusion of expenditure upon pleasures which diminished his respectability in the eyes of his subjects, and injured them by the contagion of bad example. He was slain in the forty-second year of his age, leaving an only son, an infant, who succeeded him by the title of James the Fifth. His natural children, by various mothers of noble blood as well as of homely lineage, were numerous; and some of them who have hitherto escaped the research of the antiquary may be traced in the manuscript records of the high-treasurer.

CHAPTER VII.

JAMES THE FIFTH.

1513—1524.

The news of the discomfiture of the Scottish army at Flodden spread through the land with a rapidity of terror and sorrow proportionate to the greatness of the defeat, and the alarming condition into which it instantly brought the country. The wail of private grief, from the hall to the cottage, was loud and universal. In the capital were to be heard the shrieks of women who ran distractedly through the streets, bewailing the husbands, the sons, or the brothers, who had fallen, clasping their infants to their bosoms, and anticipating in tears the coming desolation of their country. In the provinces, as the gloomy tidings rolled on, the same scenes were repeated; and, had Surrey been inclined, or in a condition to pursue his victory, the consequences of the universal panic were much to be dreaded; but the very imminency of the public danger was salutary in checking this violent outburst of sorrow in the capital. During the absence of the chief magistrates who had joined the army with the king, the merchants to whom their authority had been deputed, exhibited a fine example of firmness and presence of mind. They issued a proclamation which was well adapted to restore order and resolution. It took notice of the rumour touching their beloved monarch and his army, which had reached the city, dwelt on its uncertainty, and abstained from the mention of death or defeat; it commanded the whole body of the townsmen to arm themselves at the sound of the common bell, for the defence of the city. It enjoined, under the penalty of banishment, that no females should be seen crying or wailing in the streets, and concluded by recommending all women of the better sort to repair to

the churches, and there offer up their petitions to the God of battles, for their sovereign lord and his host, with those of their fellow-citizens who served therein.[1]

It was soon discovered that, for the moment at least, Surrey had suffered so severely that he did not find himself strong enough to prosecute the victory, and an interval of deliberation was thus permitted to the country. Early in October a parliament assembled at Perth, which from the death of the flower of the nobility at Flodden, consisted chiefly of the clergy.[2] It proceeded first to the coronation of the infant king, which was performed at Scone with the usual solemnity, but amid the tears, instead of the rejoicings of the people. Its attention was then directed to the condition of the country; but its deliberations were hurried, and unfortunately no satisfactory record of them remains. Contrary to the customary law, the regency was committed to the queen-mother, from a feeling of affectionate respect to the late king. The castle of Stirling, with the custody of the infant monarch, was intrusted to Lord Borthwick;[3] and it was determined, till more protracted leisure for consultation had been given and a fuller parliament assembled, that the queen should use the counsel of Beaton, archbishop of Glasgow, with the Earls of Huntly and Angus. It appears, however, that there was a party in Scotland which looked with anxiety on the measure of committing the chief situation in the government to a female, whose near connexion with England rendered it possible that she might act under foreign influence; and a secret message was despatched by their leaders to the Duke of Albany, in France,—a nobleman who, in the event of the death of the young king, was the next heir to the throne,—requesting him to repair to Scotland and assume the office of regent, which of right belonged to his rank.[4]

In the meantime the apprehensions of the country were quieted by the intelligence that Surrey had disbanded his host—a proceeding to which that able commander was reduced not only by the loss which he had sustained, but by the impossibility of supporting an invading army without the co-operation of a fleet. It was probably on his own responsibility that Howard thus acted, for, on receiving accounts of the victory, whilst still in France, Henry appears to have been solicitous to follow up his advantage, and transmitted orders to Lord Dacre of the north, warden of the eastern marches, and Lord Darcy, directing them to make three principal incursions into Scotland. These orders were partially obeyed, and in various insulated inroads much devastation was committed by the English; but the retaliation of Home, the warden of the Scottish marches, was equally prompt and destructive, whilst the only consequences from such mutual hostilities, were to protract the chances of peace by the exacerbation of national animosity.

The condition of the country, meanwhile, was alarming; and when men began to recover from the first impulses of grief, and to consider calmly the most probable schemes for the preservation of order, under the shock which it had received, the prospect on every side appeared almost hopeless. The dignified clergy, undoubtedly the ablest and best educated class in Scotland, from whose ranks the state had been accustomed to look for its wisest councillors, were divided into feuds amongst themselves, occasioned by the vacant benefices. The Archbishop of St Andrews, the prelates of Caithness and the Isles, with other ecclesiastical dignitaries, had fallen in the field of Flodden, and the intrigues of the various claimants distracted the Church and the council. There were evils also to be dreaded from the character and the youth of the queen-mother. Margaret had been married at fourteen,

[1] Hailes' Remarks on the History of Scotland, chap. viii.

[2] Dacre to the Bishop of Durham, 29th Oct. Brit. Mus. Caligula, b. iii. 11, quoted in Pinkerton, vol. ii. p. 112.

[3] Dacre to the King's Highness — Harbottle, 13th Nov. Caligula, b. vi. 38, d.

[4] Lesley, Bannatyne edit. p. 97. Pinkerton, vol. ii. p. 112.

and was now only twenty-four: her talents were of so high an order that they drew forth the unbiassed encomium of Surrey, Dacre, and Wolsey; but there were some traits in her disposition which remind us of her brother, Henry the Eighth. Her resentments were hasty, her firmness sometimes degenerated into obstinacy, her passions were often too strong for her better judgment; her beauty, vivacity, and high accomplishments, were fitted to delight and adorn a court, but imparted an early devotion to pleasure, too much encouraged by the example of the late king; and which his sudden and unhappy fate rather checked than eradicated. For a while, however, the excess of grief, and her situation, which promised an increase to the royal family, kept her in retirement, and rendered her an object of deep interest to the people.

The Duke of Albany had now received the invitation from the lords of his party; and unable instantly to obey it in person, he sent over the Sieur d'Arsie de la Bastie,[1] the same accomplished knight whom we have seen a favourite of James the Fourth, and who was already personally known to many of the Scottish nobles. Along with him came the Earl of Arran, who, since the unfortunate result of his naval expedition, by which the late king had been so deeply incensed, appears to have remained in France, in command of that portion of the fleet which was the property of the crown; the remainder, consisting of merchant vessels commissioned by government, having probably long ago dispersed on private adventure. He was cousin-german to Albany: the former being the son of Mary, sister to James the Third; the latter of Alexander, the brother of that prince, whose treason, as we have seen, against the government in 1482, did not scruple to aim at the crown, and even to brand the reigning monarch with illegitimacy. Arran still bore the title of high-admiral, and brought to Scotland a few ships, the three largest vessels having been left behind in France. His high birth and near relationship to the royal family impressed him with the idea that his interference would be respected; but his abilities were of an inferior order and he found many proud nobles ready to dispute his authority. Amongst these, the principal were Home, the chamberlain; the Earl of Angus, the recent death of whose father and grandfather had placed him, when still a young man, at the head of the potent house of Douglas; and the Earls of Huntly and Crawford, who were the most influential lords in the north. Between Home and Angus a deadly feud existed—the lesser nobles and gentry in the south joining themselves to one side or the other, as seemed most agreeable to their individual interests; whilst in Athole, and other northern districts, bands of robbers openly traversed the country; and on the Borders the dignities and revenues of the Church, and the benefices of the inferior clergy, became the subjects of violent and successful spoliation.[2]

In the midst of these scenes of public disorder, repeated attempts were made to assemble the parliament; but the selfishness of private ambition, and the confusion of contradictory councils, distracted the deliberations of the national council; and the patriotic wisdom of the venerable Elphinston in vain attempted to compose their differences.[3] It was, however, determined that for the immediate repressing of the disturbances, the Earl of Crawford should be appointed chief justice to the north of the Forth, and Home to the same office in the south; whilst, in contemplation of the continuance of the war with England, an attempt was made to derive assistance from the courts of Denmark and France. To the sovereigns of both these countries Scotland had readily lent her assistance in troops and in money: the insurrection of the Norwegians against the Danish monarch had been put down by her instrumentality; and the war with

[1] Lesley, p. 97.

[2] Pinkerton, vol. ii. p. 120.

[3] Dacre to the King. 10th March, Caligula, b. vi. 48, quoted in Pinkerton, vol. ii. p. 219.

England, which had cost the country so dear, had been undertaken at the instigation of France; yet from neither the one nor the other did the Scots, in their day of calamity, receive anything like an equivalent for her sacrifices. The present policy of Lewis the Twelfth, who had been reduced to extremity by the league formed against him, rendered this monarch solicitous for peace with England, and fearful o any step which might exasperate its sovereign. He not only, therefore, refused all active assistance, but ungenerously threw difficulties in the way of Albany's departure, pretending that he could not dispense with the services of so valuable a subject,—a mortifying lesson to Scotland upon the folly of her foreign alliances, but of which she had not yet the wisdom to make the proper use.

In the midst of this disturbance at home, and disappointment abroad, the queen-mother was delivered of a son, who was named Alexander, and created Duke of Ross; whilst a parliament, which met immediately after her recovery, confirmed her in the regency, and appointed "three wise lords," whose names do not appear, to have the keeping of the young king and his brother.[1] Yet, in spite of every endeavour to allay them, the disorders of the country continued; and whilst the queen corresponded with her brother, lamenting the selfish ambition and fierce independence of Home, who arrogated to himself an almost royal authority, that monarch ungenerously abused her information, by directing his wardens of the Border to repeat their inroads, and carry havoc and war into the defenceless country. It was a miserable feature of feudal Scotland (it may be said, indeed, of feudal Europe) that a woman of any wealth or rank, who was deprived of the protection of a husband or father, became an object of attack, liable to be invaded in her castle and carried off by some of those remorseless barons, who, in the prosecution of their daring ends, little recked the means they used. The greater the prize, the more certain and alarming was the danger; and as the possession of the person of the infant monarch gave to any faction which obtained it the chief influence in the government, we may easily understand that the queen-mother, surrounded by a fierce and ambitious nobility, for the suppression of whose lawless proceedings the authority with which she had been intrusted was insufficient, soon began to long for some more powerful protector. That Margaret, therefore, should have thought of a second marriage was by no means extraordinary; but when it was declared that, without any previous consultation with her council, she had suddenly given her hand to the Earl of Angus, her best friends regretted her choice. It was evidently a match not so much of policy as of passion, for Angus is described by the sagacious Dacre as "childish young, and attended by no wise councillors;" but his person and countenance were beautiful, his accomplishments showy and attractive, whilst his power, as the head of the house of Douglas, was equal, if not superior, to that of any baron in the kingdom. The queen herself was still in the bloom of her youthful charms; and when her affections fixed upon Angus, she only waited for her recovery from childbirth, to hurry into marriage with a precipitancy which was scarcely decorous, and certainly unwise. By the terms of the royal will, it at once put an end to her regency; and although Angus flattered himself that his new title, as husband of the queen, would confer upon him the tutelage of the infant sovereign, he was met by an opposition far more powerful than he anticipated.

The peace between France and England was now concluded; and although Scotland was embraced in the treaty at the desire of Lewis, the cold and cautious terms in which that country was mentioned, might have convinced her rulers of the folly which had squandered so much treasure, and sacrificed so much national prosperity, for a sovereign whose gratitude lasted no longer than his necessity. It was stated that if, upon notification of the

[1] Margaret to Dacre, Caligula, b. vi. 78.

peace, the Scots were desirous of being included, there should be no objection urged to their wishes;[1] but if, after intimation of these terms, which was to be made before the 15th of September, any invasions took place on the Borders, the clause comprehending that country was to be of no effect. No invasion of any note did take place, but minor inroads on both sides disturbed, as usual, the peace of the marches; and the difficulty of adjusting these in the courts of the wardens, with the desire to postpone all leading measures till the arrival of Albany, occasioned a delay of eight months before Scotland acceded to the treaty.

One of the immediate effects of the imprudent marriage of the queen seems to have been the separation of the nobility and the country into two great factions, which took the names of the English and French parties. At the head of the former were Angus and the queen; indeed, if we except the great power and widely ramifying vassalage of the house of Douglas, there were few other permanent sources of strength on which they could build their hopes. The latter, the French faction, embraced almost the whole nobility, and was supported by the sympathies of the people. The fatal defeat at Flodden was yet fresh in their memory, and revenge, a natural feeling, to which the principles of the feudal system added intensity, prompted them to fruitless desires for a continuance of the war; a jealousy of the interference of Henry, a certainty that the queen-mother had entered into an intimate correspondence with this monarch, consulting him upon those public measures which ought to have been regulated by the council and the parliament, and a recollection of the intolerable domination, once exercised by the house of Douglas, all united to increase the numbers of the French faction, and to cause a universal desire for the arrival of the Duke of Albany. Nor could this event be much longer delayed. Lewis had now no pretext for his detention; the peace with England was concluded, the sentence of forfeiture, which had excluded the duke from the enjoyment of his rank and estates in Scotland was removed, and the condition of the country called loudly for some change.

At this crisis, by the death of the venerable and patriotic Elphinston, bishop of Aberdeen, was removed the only man who seemed to possess authority in the state, an occurrence which increased the struggles of ecclesiastical ambition.[2] It was the intention of the queen to have appointed Elphinston to the archbishopric of St Andrews, but on his death she nominated to that see the celebrated Gawin Douglas, her husband's uncle,—a man whose genius, had this been the only requisite for the important dignity, was calculated to bestow distinction upon any situation. Hepburn, however, Prior of St Andrews, a churchman of a turbulent and factious character, had interest enough with the chapter to secure his own election; whilst Forman, bishop of Moray, the personal favourite of the late king, whose foreign negotiations and immense wealth gave him great influence at the court of Rome, was appointed to fill the vacant see by a Papal bull, which he for a while did not dare to promulgate. An indecent spectacle was thus exhibited, which could not fail to lower the Church in the eyes of the people: the servants of Douglas, supported by his nephew and the queen, had seized the archiepiscopal palace, but were attacked by Hepburn, who carried the fortress, and kept possession of it, although threatened by Angus with a siege. Forman, however, had the address to secure the interest of Home, the chamberlain, and a treaty having been entered into, in which money was the chief peacemaker, it was agreed that Hepburn should surrender the castle, on condition of retaining the revenues which he had already collected, and receiving for his nephew the rich priory of Coldingham.[3]

These ecclesiastical commotions, however, were surpassed in intensity by the feuds amongst the nobles, who traversed

[1] Pinkerton, vol. ii. pp. 121, 122.

[2] Lesley, p. 100.

[3] Ibid. p. 101. Coldingham is in Lammermuir, near St Abb's Head.

the country at the head of large bodies of their armed vassals, and waged private war against each other with a ferocity which defied all interference. The Earl of Arran, encouraged by the protracted delay of Albany, aspired to the regency; and being joined by the Earls of Lennox and Glencairn, declared war against Angus, who narrowly escaped falling into an ambuscade which was laid for his destruction. The castle of Dumbarton was seized by Lennox; and Erskine, the governor, who held it for the queen, was expelled from his place. Dunbar, the most important fortress in the kingdom, was delivered to the French knight, De la Bastie, who claimed it as that part of the earldom of March which belonged to his master, Albany. Beaton, archbishop of Glasgow, a prelate of a selfish and intriguing temper, keenly supported the interests of the French party; whilst the Earl of Huntly, one of the most powerful barons in the north, threw his influence into the scale of the queen and Angus, which was supported also by Lord Drummond and the Earl Marshal.[1]

Under this miserable state of things, Henry the Eighth, by means of his able minister, Lord Dacre, who entertained many Scottish spies in his pay, kept up a regular correspondence with the queen, and availed himself of their confusion, to acquire a paramount influence over the affairs of the country. He even carried his intrigues so far as to make a secret proposal to Margaret for her immediate flight with the infant monarch and his brother into England, a scheme which amounted to nothing less than treason: the agents in this plot were Williamson, one of the creatures of Dacre, an English ecclesiastic resident in Scotland, and Sir James Inglis, the secretary of the queen. Margaret, in reply, regretted that she was not a private woman, able to fly with her children from the land where she was so unhappy, but a queen, who was narrowly watched; whilst any failure in such an attempt might have cost her servants their heads, and herself her liberty. It is, perhaps, not extraordinary that such a scheme should be regarded with no very strong feeling of revolt by the youthful queen, to whom Henry artfully held out the inducement of her son being declared heir-apparent to the English throne. But that Angus and his uncle Douglas should have entertained the proposal, that they should rather have declined it as dangerous and not strictly honest, than cast it from them as an insult to their feelings of national honour and individual integrity, presents the principles of these eminent persons in no favourable light. Meanwhile, although baffled in the perpetration of this project, the intrigues of Dacre contributed greatly to strengthen the English faction, and Home, whose formidable power and daring character rendered his accession no light matter, embraced the party of the queen.

Albany, who had long delayed his voyage, now began to think in earnest of repairing to Scotland. The death of Lewis the Twelfth, which had been followed by the accession of Francis the First, was accompanied by no material change in the policy of his kingdom towards her ancient ally; and an embassy was despatched to induce the Scottish government to delay no longer accepting those terms by which they were comprehended in the peace between France and England. In a letter from the Council of State, this request was complied with, on the ground that, although not so far weakened by their recent disaster as to doubt they should be soon able to requite their enemies, yet, for the love they bore to France, and their zeal for the crusade against the infidels, which was then in agitation, they would be sorry that Scotland should oppose itself to a general peace.[2]

Scarce had Le Vaire and Villebresme, the French ambassadors, received this favourable answer, when, on the 18th of May, the Duke of Albany, with a squadron of eight ships,

[1] Orig. Letter, quoted by Pinkerton, vol. ii. p. 126. Sir James Inglis to Williamson, 22d Jan 1515. Caligula, b. i. 22; also b. vi. 114. Adam Williamson to the Bishop of Dunkeld.

[2] Rymer, vol. xiii. p. 509.

came to anchor at Dumbarton.[1] His arrival had been anxiously expected: he landed amidst the unaffected joy of all who desired the re-establishment of good government in the country; and he was soon after installed in the office of regent;[2] but the task of restoring order was one of no easy execution; and even to a statesman of far superior talents, some of the difficulties which presented themselves would have been almost insurmountable. The intrigues of Henry the Eighth, conducted with much skill and judgment by Lord Dacre, had separated from his party some of the most potent of the nobility, who at a former period anxiously requested his presence; and many good men, who anxiously desired a continuance of peace, and deplored the calamities which an unnecessary war had already entailed upon the country, dreading the politics of Albany, which soon disclosed an unreasonable animosity to England, threw their influence into the faction which opposed him: others, indeed, resented the interference of England in the Scottish councils, deeming it impolitic and unnatural, that the monarch who had slain the father, and shed with unexampled profusion the noblest blood in the land, should be selected as the favoured counsellor of the infant successor and his widowed mother. To assert their independence as a kingdom, and to cherish a hope of revenge, were the principles which actuated no inconsiderable party; nor is it to be doubted, that amongst the great body of the people these feelings were regarded with applause. Of this numerous class the new regent might have easily secured the support, had he not alienated them by a too servile devotion to France; whilst the English party brought forward very plausible arguments to shew the danger of intrusting the government of the kingdom, or the custody of the sovereign and his brother, to one so circumstanced as Albany. From his father, who had traitorously attempted to seize the crown, and to brand the royal family with the stain of illegitimacy, he was not likely, they said, to imbibe very loyal ideas; whilst the late instance in England, of the crimes of Richard the Third, would not fail to suggest a lesson of successful usurpation and murder to a Scottish usurper, between whom and his title to the throne there stood only the slender lives of two infants. Even setting aside these weighty considerations, they contended that he evinced nothing of the feelings or national independence of a Scotsman. He was ignorant of the constitution, of the language, of the manners of the country: his loyalty to the French king, whom he constantly styled his master; his ties to that kingdom, where his life had been spent, his honours won, and his chief estates were situated; his descent from a French mother, and marriage with the Countess of Auvergne, were all enumerated, and with much plausibility, as circumstances which incapacitated him from feeling that ardent and exclusive interest in Scotland which ought to be found in him to whom the regency was committed. When to all this it is added, that Albany was passionate in his temper, and sometimes capricious and wavering in his policy, it was not expected that his government would be attended with much success.

Yet these prognostications were not verified, and his first measures contradicted such surmises by the steady determination which they evinced to put down the English party, and to curb the insolence of power which had been shewn by the supporters of Angus and the queen. Lord Drummond, grandfather to Angus, and constable of Stirling castle, was committed prisoner to the castle of Blackness, for an insult offered to Lion herald in the queen's presence.[3] Soon after, Gawin

[1] These vessels appear to have been the remains of that fleet which James had despatched, under the Earl of Arran, to the assistance of the French monarch, and whose building and outfit had cost the country so large a sum. Lesley, p. 102.

[2] He was made regent on the 10th July. Dacre to the Council. Caligulas, b. ii. 341. Kirkoswald, 1st August.

[3] Acts of the Parliament of Scotland, vol

Douglas, the talented and learned Bishop of Dunkeld and uncle to Angus, was shut up in the sea tower of St Andrews, on a charge of having illegally procured his nomination to that see by the influence of Henry the Eighth with the Papal court: it was in vain that the queen implored, even with tears, the pardon and delivery of her councillors, — the first, recommended by his venerable age, and steady attachment to the royal family, the other by his distinguished talents. Albany was unmoved; and the supporters of the queen, with the exception of Home and Angus, shrunk from an alliance which exposed them to so severe a reckoning.[1]

But the most important affair, and one which required immediate attention, was the custody of the young monarch and his brother. These princes were still under the charge of their mother, the queen-dowager. The negotiations, however, into which she had entered with Henry the Eighth, and in the course of which Williamson and Dacre had almost prevailed on her to deliver the royal children to England, proved clearly that since her new connexion with Angus, she was unworthy to remain their protector. The regent, therefore, wisely judged that no time ought to be lost in removing them from her charge; and for this purpose a parliament was assembled at Edinburgh. The measures which were adopted appear to have been framed with as much attention to the feelings of the mother, as was compatible with the security of the princes. Eight lords were nominated by the parliament, out of which number four were to be chosen by lot; and from these Margaret was to select three, to whose custody the king and his brother were to be committed. This having been done, the three peers proceeded to the castle of Edinburgh, where the commands of the parliament were to be carried into effect; but nothing was further than obedience from the mind of the queen. When the nobles approached, the gates of the fortress were thrown open, disclosing to the populace, who rent the air with their acclamations, their royal mistress standing at the entrance, with the king at her side, his hand locked in hers, and a nurse behind, who held his infant brother in her arms.[2] The sight was imposing; nor was its effect diminished, when, with an air of dignity, and a voice, whose full tones all could distinctly hear, she bade them stand and declare their errand. On their answer, that they came in the name of the parliament to receive from her their sovereign and his brother, the princess commanded the warder to drop the portcullis, and that massive iron barrier having instantly descended between her and the astonished delegates, she thus addressed them:—"I hold this castle by the gift of my late husband, your sovereign, who also intrusted to me the keeping and government of my children, nor shall I yield them to any person whatsoever; but I respect the parliament, and require a respite of six days to consider their mandate." Alarmed for the consequences of this refusal, which, if persevered in, amounted to treason, Angus, who stood beside the queen, entreated her to obey the order of the parliament, and took a notarial instrument on the spot, that he had consented to the surrender of the children; but Margaret was firm, and the peers retired to acquaint the regent with their ill success.[3]

Meanwhile their mother removed them from Edinburgh castle, which she dreaded could not be defended against the forces of the parliament, to Stirling, a city more completely devoted to her interest. She then transmitted her final answer to the regent: it proposed that the children should be committed to the custody of Angus,

ii. p. 284. Caligula, b. vi. 105. Remembrance of an Informacion by me, Margaret, Quene of Scots.

[1] Queen Margaret's Remembrance. Caligula, b. vi 105.

[2] Dacre to the Council. Caligula, b. ii. 341; an interesting original letter, first opened by the research of Pinkerton, vol. ii. p. 137.

[3] Caligula, b. ii. 341, b. 2.

Home, the Earl Marshal, and Lauder of the Bass,—all of them, with the exception of the Marshal, devoted to her interest, and in intimate correspondence with England.[1] This evasion, which was nothing more than a reiteration of her refusal to obey the orders of parliament, rendered it necessary for Albany to adopt decisive measures. He accordingly collected an armed force, summoned all the lords, on their allegiance, to lend their assistance in enforcing the orders of the supreme council of the nation; directed Ruthven and Borthwick to blockade the castle of Stirling, so that no provisions should be permitted to enter; and commanded Home, who was then provost of Edinburgh, to arrest Sir George Douglas, the brother of Angus, that peer being himself in the Mearns; whilst his uncle held Douglas castle. Home indignantly refused, and, under cover of night, fled to Newark, a Border tower upon the Yarrow; whilst Angus, who had received orders to join the host at the head of his vassals, kept himself within his strength, in his own country, and concentrated his power for the storm which he saw approaching.

A proclamation was now issued against such persons as illegally retained the castle of Stirling; and Albany, at the head of seven thousand men, and attended by all the peers except Home and Angus, marched against that fortress, and summoned it to an immediate surrender. Resistance was hopeless; and the queen had already carried her obstinacy beyond all prudent bounds; her party, which chiefly consisted of friends retained in her service by the money of England, deserted her when the danger became imminent; and requesting an interview with the regent, she delivered the keys of the castle to the infant monarch, who placed them in the hand of Albany, and only added her hope, that the royal children, herself and Angus, would be treated with favour. The answer of the regent assured the princess that, to herself and his infant sovereign, he was animated by no feelings but those of devoted loyalty; but for Angus, whose opposition to the will of parliament, and dangerous correspondence with England, amounted, he declared, to treason, he would promise nothing, so long as he and his followers were banded together in open rebellion.[2] The king and his infant brother were then committed to the custody of the Earl Marshal, (a nobleman who had been nominated on a former occasion by the royal mother herself,) along with the Lords Fleming and Borthwick, whose fidelity to the crown was unsuspected. John Erskine was appointed governor of the fortress; a guard of seven hundred soldiers left in it; and the queen conducted with every mark of respect to Edinburgh, where she took up her residence in the castle. The Earl of Home, on being informed of this decided success, no longer hesitated to throw himself into the arms of England; and in a private conference with Dacre, concerted measures of resistance and revenge. To this meeting Angus was not admitted, by the sagacity of the English warden; his youth and versatility of purpose being dreaded; but Home continued to work on the husband of the queen, and the strength of Teviotdale was raised to resist the alleged tyranny of the regent, and avert the destruction which hung over the English party in Scotland.[3]

In this emergency the conduct of Albany was marked by prudence and decision; he summoned the force of the kingdom; but, before proceeding to hostilities, transmitted a message to the queen, in which he expressed his earnest desire for a pacification, and proposed articles of agreement, which were more favourable than the conduct of her party deserved. He engaged to support her and her husband in all their just and equitable actions: to put her in full possession of her jointure lands, and maintain her in the state and dignity befitting her rank, under the condition that she

[1] Caligula B. ii. 341. b. 2.

[2] Dacre to the Council, Harbottle, 7th August. Caligula, b. ii. 369. Diurnal of Occurrents, p. 6. See Notes and Illustrations, letter Y.

[3] Dacre to the Council. Caligula, b. ii. 369.

should accede to the wishes of the parliament, co-operate in those measures which were esteemed best for the security and independence of the state, and renounce all secret connexion with other realms, especially with England. When Henry's schemes for the removal of the king and his brother, and the intrigues by which Dacre contrived to defeat every attempt to reduce the country to order and good government are taken into view, these proposals appear wise and conciliatory. Yet such was the unhappy infatuation of the queen, that she rejected them without hesitation, and to make a merit of her firmness, transmitted them privately to Dacre.[1] To Home, the chamberlain, Albany was less lenient: he insisted that he should leave Scotland; and the haughty chief at once justified the severity by addressing a message to the English warden, in which he requested the assistance of an English army, and held out the inducement to Henry, that the country lay open to invasion. The crisis, he said, only required immediate activity and vigour, by which the monarch might destroy his enemies, and new model the government according to his interest and wishes.[2] These offers were strongly seconded by Dacre, who advised an invasion; whilst the chamberlain, assured of the support of England, assembled a powerful force, and commenced the war by retaking the castle of Home, which had been seized by the regent; and securing the strong tower of Blacater, situated on the Borders, within five miles of Berwick.[3] To this safehold the queen, who had continued her secret correspondence with Henry, now resolved to retire, finding herself, as she represented, in a sort of captivity at Edinburgh, whilst her friends were imprisoned, and her resources impoverished by the injustice of the regent. Dacre had recommended Blacater from its proximity to England, and the facility she would enjoy of support and communication with her royal brother, — shrewdly observing, also, that, being within the Scottish Borders, her enemies could not allege that she had forfeited her rights by deserting the country. She accordingly found means to join Lord Home, who, at the head of an escort of forty soldiers, conveyed her in safety to Blacater, from whence, if danger became imminent, she could secure a rapid and easy retreat into England.[4]

Nothing could be more imprudent than such a proceeding. Henry, although professing peace, was at this moment the worst enemy of Scotland. Having been baffled in his attempt to get the young king into his hands, it became his object to increase the necessary evils of a minority, by thwarting every measure which promised to restore tranquillity to that country. By means of his indefatigable agent, Lord Dacre, he had not only corrupted some of its leading nobility, but so successfully fomented dissensions amongst them, that every effort of the regent to re-establish the control of the laws was rendered abortive by the prevalence of private war. To league herself, therefore, with England, against the independence of that country of which her son was sovereign, whilst Albany, with much earnestness and sincerity, offered her a complete restoration to all those rights and revenues, as queen-dowager, which she had not forfeited by her marriage, was an excess of blindness and pertinacity difficult to be understood, and which drew after it the most calamitous consequences.

The conduct of Albany had been marked hitherto by a laudable union of firmness and moderation; and so completely was it seconded by the approval of the nobles and the clergy, that, although on other points at variance amongst themselves, all appear to have united in support of his determination to enforce obedience to the parliament, and restore some degree of

[1] Caligula, b vi. 83, 84.

[2] Ibid. b. ii. 186. Lord Home to Dacre, Pinkerton, vol. ii. p. 145.

[3] Franklin to the Bishop of Durham, Norham, 29th August. Caligula, b. iii. 133. Blacater is situated on a stream of the same name.

[4] Credence to Lord Dacre and Thomas Magnus, by the Queen of Scots. Caligula, b. vi. 85.

stability to the government. He found little difficulty, therefore, in raising an army of forty thousand men: but anxious that his intentions should be clearly understood—that none should mistake his resolution to reduce an internal rebellion, which was headed by disaffected subjects, for the desire of foreign war—he despatched Sir William Scott and Sir Robert Lauder to meet Henry's commissioners, Dacre and Dr Magnus, and to labour for the satisfactory adjustment of all disputes upon the Borders. At the same time, John Duplanis, a French envoy, was commissioned to renew the terms for an agreement, which had been formerly offered to the queen, and which this ill-advised princess once more indignantly repelled.

The regent instantly advanced to the Borders, where it was expected the Earl of Home would be able to make some serious resistance; but the power of this dreaded chief melted away before the formidable array of Albany: he was taken prisoner; committed to the charge of the Earl of Arran; found means to seduce his keeper, not only to favour, but to accompany his escape; and fled to England, whither he was soon after followed by the queen and Angus.[1] No step could have been adopted more favourable to the intrigues of Henry; and the fugitives were received by Lord Dacre with open arms. The queen, shortly before this, had addressed a letter to Albany, in which she attempted a vindication of her conduct; necessity had compelled her, she asserted, to forsake her country, not without fears for her life; she protested against the conduct of the regent, and claimed, as a right conferred on her by the will of the late king, her husband, (a deed which had received the Papal confirmation,) the government of the kingdom, and the tutelage of the infant monarch.[2] The first pretence was ridiculous; for since his arrival in Scotland, Margaret had been treated by Albany with invariable respect. To the second request the council of Scotland returned the answer, that by her second marriage, Margaret, according to the terms of the royal will, had forfeited all right to the tutelage of her son; whilst the disposal of the government could neither be affected by the will of a deceased monarch, nor the sanction of a living Pope, but belonged to the three estates, who had conferred it upon the Duke of Albany.[3]

That nobleman, notwithstanding the infatuation of the mother of his sovereign, was still anxious to make a last effort for a compromise; he addressed two letters to her on the same day: the first, a manifesto from the council; the other, a private communication, written with his own hand. The terms of both were moderate, and even indulgent. The council implored her to awake to her duty; declared their aversion to all rigorous measures; besought her to come back amongst them; and, as an inducement, promised that she should enjoy the disposal of all benefices within her dowry lands, a benefice to her late councillor, Gawin Douglas; and, lastly, the guardianship of her children, if she would solemnly promise that they should not be carried out of the kingdom. These proposals the queen imprudently rejected; for what reasons, does not clearly appear. An acute historian[4] pronounces them too specious to be honest; but Albany's whole conduct shews them to have been sincere, although Margaret, acting under the influence of Angus, Home, and Arran, had been taught to regard them with suspicion. Immediate acceptance of them was indeed impossible, for within eight days after she had taken refuge in England the queen bore a daughter to Angus, the Lady Margaret Douglas, the future mother of the weak and unfortunate Darnley; at the same

[1] Dacre and Dr Magnus to Henry the Eighth, Harbottle, 18th October. Caligula, b. vi. 110.

[2] Caligula, b. vi. 119. The Queen of Scots to the Duke of Albany, 10th October. Harbottle.

[3] Council of Scotland, 13th October 1515. Caligula, b. vi. 120. "Madame, we commend our humyle service to your grace."

[4] Pinkerton. vol. ii. p. 151.

time her husband entered into a private bond with Home and Arran, by which they engaged, for themselves, their vassals, and supporters, to resist the regent, and to deliver their infant sovereign from the suspected guardianship in which he was held by those who then ruled in Scotland. This agreement, which was dated 15th of October 1515, although it bears no express reference to England, appears to have been concluded under the direction of Lord Dacre.[1]

Nothing now remained for Albany but to exercise with firmness the authority which had been committed to him; yet, although the conduct of those who leagued themselves against the government compelled him to measures of just severity, he evinced an anxiety for conciliation. The flight of Arran rendered it necessary for him to seize the castles of a rebel; but when, at Hamilton, his mother presented herself before the regent, and passionately interceded for her son, he received the matron, who was a daughter of James the Second, with the respect due to her royal descent, and assured her of forgiveness, could she prevail on him to return to his allegiance; nor was he forgetful of his promise, for Arran, a nobleman of a weak and vacillating, though ambitious character, renounced the league with Angus as precipitately as he had embraced it, and was immediately received into favour. At this moment the Duke of Ross, the infant brother of the king, was seized with one of the diseases incident to his early years, and died at Stirling,—a circumstance which, it was to be expected, would not be lost upon the queen, who instantly fulminated against Albany an accusation of poison. So atrocious a charge fell innoxious upon the upright character of the regent, who, although the nearest heir to the crown, had felt enough of its thorns to make him rather dread than desire the kingdom; and the future conduct of Angus and Home, from whose faction the calumny proceeded, demonstrates its falsehood. Yet the enmity of Gawin Douglas, the accomplished Bishop of Dunkeld, did not hesitate, in 1522, to repeat the story.

These events were followed by a renewal of the alliance with France; and to evince that the governor was animated by a sincere desire for that tranquillity which could alone afford him leisure to compose the troubles of the country, Duplanis, the French ambassador, and Dunbar, archdean of St Andrews, were sent to meet the English commissioners at Coldingham for the negotiation of a peace between the two countries. At this moment Henry earnestly desired such an event; the success of Francis the First, at the battle of Marignano, had given to this prince the whole Milanese, and roused the jealousy of Wolsey, who now directing, but with no profound policy, the councils of England, prevailed on his master and the emperor to enter into a league for the expulsion of the French from Italy. It was necessary, therefore, to be secure on the side of Scotland; and although a general peace could not be then concluded, the truce between the kingdoms was renewed.[2] Home and Angus, whose conduct had been dictated by the selfishness of disappointed ambition, were awakened by these prudent measures to the desperate state of their affairs; and soon after, withdrawing themselves from the queen, who lay dangerously ill at Morpeth, they retired into Scotland, where, restored once more to their hereditary possessions, they for a time abstained from all opposition to the government. The facility with which these nobles appear to have procured their pardon, was in the regent perhaps more generous than prudent; but it evinces the sincerity of his desire for the welfare of the country, and seems completely to refute those charges of insatiate avarice and profuse dissipation raised against him by the malice of his enemies, and too hastily retailed by a

[1] Caligula, b. vi. 124. Copie the Bande made betwixt the Erles of Angus and Arran, and the Chamberlane of Scotland. Coldstream, 15th October 1515.

[2] Rymer, vol. xiii. p. 549.

historian of this period.[1] For the conduct of Home, the queen found some excuse, but to be thus deserted at her utmost need by a husband for whom she had sacrificed her royal pomp and power, was an ungrateful return for her love, which Margaret's proud spirit never forgave. She waited only for her recovery to fly to the English court, where she loaded Albany and Angus with reproaches, imploring her royal brother to interfere for the preservation of her son, and her restoration to those rights which in truth had been forfeited solely by her own imprudence.

Nor was Henry deaf to her entreaties; overlooking the conciliatory principles which marked the government of Albany, and which, in spite of the bribery and intrigues of Dacre, had received the support of the people, this monarch directed a letter to the three estates, in which, in no measured terms, he called upon them not only to remove that nobleman from the regency and the care of the king's person, but to expel him from the kingdom; upon the ground that, as the nearest heir to the throne, he was the most suspicious person to whom so sacred a charge could be committed. To this extraordinary epistle, which was laid before them in a parliament assembled at Edinburgh, on the first of July 1516, the estates returned a decided answer. They reminded Henry that the Duke of Albany was governor by their own deliberate choice, expressed in a general council of the nation held immediately after the coronation of their youthful sovereign. He had undertaken, they said, this high and responsible office, which, by the canon law, belonged to him as nearest relative to the infant king, not from his own wishes, but at their earnest request. He had left the service of France, and his estates and honours in that country, with reluctance; he had fulfilled its duties with much talent and integrity; and they declared that, so essential did they consider his remaining at the head of affairs to the national happiness, that, were he willing, they would not permit him to escape his duties, or to leave the country. With regard to the anxiety expressed for the safety of the infant monarch, they observed that it appeared wholly misplaced in the present instance, as the person of the sovereign was intrusted to the keeping of the same lords to whose care he had been committed by his mother the queen; whilst they concluded with great firmness and dignity, by assuring the English monarch that it was their determination to resist with their lives every attempt to disturb the peace of the realm, or endanger the security of the present government.[2]

This spirited epistle might have convinced Henry of the folly of his ambition to become the chief ruler in the kingdom of his nephew; but although the haughtiness with which he had disclosed his intentions had for the moment defeated his design, and united against him the discordant elements of the Scottish aristocracy, it was not long before the intrigues of his minister, Lord Dacre, succeeded in creating distrust and disturbance, and once more reinstating in its strength the English faction in Scotland. The means and agents by which this was effected were as base as they were successful. From an original letter of the warden himself, addressed to Wolsey, we learn that he had in his pay four hundred Scots, whose chief employment was to distract the government of Albany by exciting popular tumults, encouraging private quarrels, and rekindling the jealousy of the higher nobles. "I labour and study all I can," says he, "to make division and debate to the intent that, if the duke will not apply himself, that then debate may grow that it shall be impossible for him to do justice; and for that intended purpose I have the Master of Kilmaurs kept in my house secretly, which is one of the greatest

[1] Pinkerton, (vol. ii. p. 155,) who without considering its suspicious tenor, gives implicit belief to the Memorial of Gawin Douglas, (Caligula, b. iii. 309,) and to the "Wrongs" of the queen, (Caligula, b. ii. 211:) an original signed by "Margaret."

[2] Rymer, Fœdera, vol. xiii. p. 550.

parties in Scotland. . . . And also," he adds, "I have secret messages from the Earl of Angus and others, . . . and also four hundred outlawes, and giveth them rewards that burneth and destroyeth daily in Scotland, all being Scotsmen that should be under the obedience of Scotland."[1] Such was the commencement by Dacre of that shameful system for the fostering of internal commotions, by the agency of spies and the distribution of bribes amongst the nobles, which was continued by Sir Ralph Saddler, and afterwards brought to perfection by Lord Burleigh under Elizabeth. It is to this cause, and not, as has generally been believed, to any fault or gross mismanagement upon the part of the regent, that we must ascribe the misery of the country. Albany was supported by the affection and confidence of the middle classes, and the great body of the nation; but their influence was counteracted, and his efforts completely paralysed, by the selfish rapacity of the clergy, and the insolent ambition of the aristocracy.[2] Scarcely had Arran returned to his allegiance, when he entered into a new combination with Lennox, Glencairn, Mure of Caldwell, and other barons, with the apparent object of wresting from the regent that share of the government to which Arran not unjustly deemed himself entitled, by his affinity to the royal family, but for which his vacillating character totally incapacitated him. The rebellion at first assumed a serious aspect: the castle of Glasgow, belonging to Beaton, archbishop of that see, and which was important from its being the depôt of the king's artillery, was stormed and plundered by Mure, who enriched himself by the spoil, and retained it for Arran;[3] but the promptitude and energy of Albany, who instantly assembled an army and marched to the spot, overawed the conspirators and compelled them to submit to terms. The fortress was surrendered. Beaton the primate employed his influence to obtain the pardon of Arran with his associate earls; and Albany, who often erred on the side of leniency, once more received them to the peace of the king; whilst Mure, an able and turbulent baron, who was nearly connected with Lennox, profiting by the commotion, continued to excite disturbances in the west country.

It had been under the condition of his renouncing all secret intercourse with Henry the Eighth, and residing peaceably on his estates, that Albany had extended forgiveness to Home. But it soon became apparent that the attempt to secure his adherence to the government was hopeless. His correspondence with Dacre was renewed; bands of hired marauders, known to be followers of the Scottish earl, and in the pay of England, broke across the marches, and ravaged the country with unexampled boldness and ferocity. Murders, rapine, fire-raising, and every species of outrage, threatened the total dissolution of society; and it became necessary either to vindicate the laws by an example of instantaneous severity, or weakly to abandon the government to the anarchy by which it was invaded. Under these circumstances, Home and his brother, either trusting to Albany's ignorance of their correspondence, or inveigled by his promises, imprudently visited the court, and were instantly apprehended. Much obscurity hangs over the trial which followed; and if we may believe some of our historians, the charge of having excited the late commotions against the regent, was mingled with a more atrocious accusation of being accessary to the defeat at Flodden, and the death of the late king. That this last imputation was unfounded, seems to be proved by sufficient evidence; but the truth of the first was notorious, and could be established by a multiplicity of witnesses. The lord chamberlain was accordingly found

[1] Letter, Dacre to Wolsey, 23d August 1516. Caligula, b. i. 150, published by Sir Henry Ellis, in his valuable Collection of Letters, vol. i. p. 131, first series.

[2] To this observation there were a few exceptions, but these had little influence where the majority were corrupted.

[3] Mure of Caldwell had married Lady Jane Stewart, sister to the Earl of Lennox. MS. document, in possession of William Mure, Esq. of Caldwell.

guilty: against his brother the same sentence was pronounced; and both were executed without delay, their heads being afterwards exposed above the Tolbooth, or public prison of the capital.[1] Ker of Ferniehirst,[2] one of their chief followers and a baron of great power on the marches, was also tried and condemned, but respited by the regent, who instantly led a powerful force to Jedburgh, and, by a judicious severity, reduced the unquiet districts on the Border to a state of temporary repose. The office of chamberlain was bestowed upon Lord Fleming, a nobleman of tried fidelity, whilst the French knight, De la Bastie, who was much in the confidence of the regent, and possessed of equal courage and experience, became warden of the east Borders,—an appointment deeply resented by the friends of Home, who secretly meditated, and at length accomplished a cruel revenge.

On his return to Edinburgh, Albany assembled the parliament. Its principal business was the disposal of a singular claim presented by his step-brother Alexander Stewart, which, had it been supported by the three estates, must have excluded him from the regency. Stewart was the eldest son of Alexander, duke of Albany, the regent's father, by his first marriage with a daughter of the Earl of Orkney; but it was now declared that this marriage had been pronounced unlawful by a vote of a former parliament, and on this ground the title of Albany, the eldest son by a second marriage, was confirmed as the second person in the realm, and nearest heir to the crown.[3] Not long after, Francis de Bordeaux, ambassador from the court of France, arrived in Scotland; and the expectations of the regent and the parliament were sanguine as to the assistance about to be derived from this country against the continued efforts of Henry the Eighth. It was soon, however, discovered that the policy of that kingdom towards Scotland had undergone a considerable change. The treaty of Noyon, concluded on the 26th of August 1516, between Francis the First and the King of Spain, had secured to the former monarch his conquests in Italy: the Emperor Maximilian, after an ineffectual attempt to wrest from him the Duchy of Milan, had been compelled to retire and accede to its provisions; whilst to France the single difficulty remained of removing the enmity of Henry the Eighth. It is this object which explains the coldness of Francis to his ancient allies, the Scots. They had claimed a restitution of the county of Xaintonge, originally assigned by Charles the Seventh to James the First in 1428; but their demand was evaded; they had requested the aid of France against England; it was not only refused, but an advice added, recommending the regent to conclude a peace with that country upon the first occasion which offered; nay, not content with this startling dereliction of those principles upon the permanence of which Albany had too securely rested, the French monarch refused to ratify the alliance between France and Scotland, which had been renewed by his ambassador Duplanis and the Scottish council of regency within a year after the death of James the Fourth.

We are not to wonder that such conduct increased, in no small degree, the difficulties which already embarrassed the regent. His conduct in his high office had been marked by ability and disinterestedness. He had maintained the independence of Scotland by resisting the rude dictation of Henry; but he shewed every desire to cultivate peace with England upon a fair basis: he had punished, with a severity to which he was compelled by their frequent repetition, the treasons of Home, and the excesses of the Borders; he had shewn the utmost anxiety to recall the queen-mother to her country and her duties, provided such an event could be accomplished without endangering the safety of the young monarch; and the confidence in

[1] Lesley, Hist. Bannatyne edit. p. 107. The chamberlain suffered on the 8th, and his brother on the 9th of October 1516.

[2] The castle of Ferniehirst is on the river Jed.

[3] Acts of the Parliament of Scotland, vol. ii. p. 283. Keith's Catalogue of Bishops, p. 88. Pinkerton, vol. ii. p. 161.

his administration which was expressed by parliament, had given a decided refutation to the injurious attacks of his enemies. But these enemies were still powerful: the money of England and the intrigues of Dacre continued to seduce many venal persons amongst the Scottish nobles: their vassals were encouraged to weaken the government by spoliations, private feuds, and every species of unlicensed oppression; whilst every attempt to introduce into the great body of the aristocracy a principle of cordial union, which might at once secure the integrity of the country and promote their own interests, was broken by the selfishness and rapacity of their leaders. Under such disheartening circumstances, the regent had looked to the support of France, as a counterpoise to the concealed attacks of England; but this was now about to be withdrawn;[1] and in the parliament which assembled in November 1516, to deliberate upon the communication of the French ambassador, Albany, with much earnestness, requested permission of the three estates to revisit France for a short period.

From all who were interested in the welfare of the country, this proposal met with a vigorous opposition. They contended, and with plausibility, that the absence of the governor would be the signal for the return of the anarchy and confusion which had preceded his arrival, and that, having accepted the regency under an act of the three estates which declared him the nearest heir to the throne, it was his duty to remain in the country, to share the labour and responsibility of that station: they hinted that, should he now leave Scotland, his return to the office of regent could not, and perhaps ought not to be guaranteed to him; and they anticipated the renunciation of the alliance with France, and the certain triumph of the English faction.[2] In such predictions there was much wisdom; yet Albany, who was intent on revisiting his foreign estates, a proceeding to which he was invited by a private message brought by La Fayette from the French king, at length extorted an unwilling consent from the parliament. His leave of absence, however, extended only to four months, and in this interval the management of the government was intrusted to a council of regency, consisting of the prelates of St Andrews and Glasgow, with the Earls of Huntly, Argyle, Angus, and Arran. The young king was brought to Edinburgh castle, and intrusted to the keeping of Lord Erskine and the Earl Marshal. Prior to his departure, the Bishop of Dunkeld, and Panter, the secretary, were despatched on an embassy to the French court; and he himself, eager to revisit the land which was endeared to him by all the recollections of his former life, embarked at Dumbarton on the 7th of June.[3]

Some time before this it had been arranged in parliament that the queen-mother should be permitted to revisit Scotland, under the condition that she should abstain from all interference with the authority of Albany; and this princess, whose intrigues and ambition had occasioned so much distress to the country, the moment she heard of the arrival of the governor in France, set out for the Scottish capital, accompanied by a slender train, more befitting her misfortunes than her rank. At Lamberton Kirk, the same familiar spot where, fourteen years before, she had been received by the Scottish nobles, the blooming bride of her sovereign, she was met by Angus, Morton, and De la Bastie; but on her arrival in Edinburgh was not permitted to visit her son the king. It was soon after understood that the plague had made its appearance in the capital, and his guardians took the precaution of removing the young monarch to Craigmillar, where, relaxing in their rigour, his mother was indulged with occasional interviews; but a report having arisen that a secret project had been formed for his being carried into England, (an attempt which the former conduct of the queen rendered it exceedingly likely

[1] Epistolæ Reg. Scot. vol. i. pp. 243, 248.

[2] Calig. b. vi. 138. "Clarencieux." to "My Lord Cardinal; dated Alnwick," 31st Nov.

[3] Lesley, p. 109. Caligula, b. vi. 107.

would be repeated,) it was thought proper once more to restore him to the security of his original residence.[1]

To insure, if possible, the continuance of quiet to the country during his absence, Albany had carried along with him, as hostages, the eldest sons of many of the noblest families, whilst he had committed the principal command upon the Borders, at all times the most distracted and lawless portion of the country, to the chivalrous and polished De la Bastie, whose talents in the field and in the cabinet were still higher than his accomplishments in the lists. The title of lieutenant, or deputy of the governor, was likewise conferred on him, and he was intrusted with the invidious and delicate task of transmitting to the absent regent reports upon the conduct of the Scottish Border chiefs. The friends and vassals of the Earl of Home, men familiar with blood, and who esteemed revenge a sacred duty, had never forgiven Albany the execution of this powerful and popular rebel, and they now determined, the moment an occasion offered, that De la Bastie, the deputy of the governor, should suffer for the crime of his master. Nor was this opportunity long of occurring: keeping his state as warden in the fortress of Dunbar, La Bastie exerted himself with indefatigable diligence in repressing disorder. On the first intelligence of any commotion he was instantly in person on the spot; and it was out of this fearless activity that his enemies contrived his ruin. A plot to entrap him was laid by Home of Wedderburn, and other Border chiefs; and, to draw their unsuspecting victim into it, they pretended to besiege the tower of Langton.[2] On receiving intelligence of this outrage, De la Bastie, with some French knights in his train, galloped towards the scene of commotion, and ere he was aware found himself surrounded by the unrelenting Borderers. Conscious of the cruel fate which awaited him, he pushed his horse to speed, and, from the extraordinary fleetness of the animal, had nearly escaped, when his ignorance of the country unfortunately led him into a marsh. Every effort entangled him more deeply; it was in vain that he struggled to extricate himself—in vain that he besought his merciless pursuers, as they valued their honour as knights, to spare his life and accept his submission: the only reply was, insult and mockery; and, throwing themselves upon him, he was cruelly murdered. The ferocious Lord of Wedderburn, exulting in the complete though tardy vengeance, cut off his head, tied it by its long and plaited tresses to his saddlebow, and, galloping into the town of Dunse, affixed the ghastly trophy on the market-cross. He then threw himself into his castle, where for a season he defied the utmost efforts of the laws.[3]

The death of La Bastie was a serious blow to the maintenance of the authority of Albany; but, although unable instantly to arrest the perpetrators, the regents exerted themselves with considerable vigour. It was suspected that Angus, or at least his brother, Sir George Douglas, had been involved in the guilt of the Homes; and on this ground Arran, the next in power amongst the nobles, was appointed warden of the marches. Without delay he seized Douglas and his accomplice, Mark Ker: measures also were taken for the trial of the Homes, whose escape might have produced the worst consequences; and a parliament having assembled at Edinburgh on the 19th of February, sentence of forfeiture was passed against all concerned in the assassination of La Bastie. The more difficult task remained in the apprehension of the culprits; but Arran having assembled a powerful force, accompanied by the king's artillery, an arm of war which the nation owed to the late monarch, marched against the insurgents. Ere he had advanced many miles, however, the rebels be-

[1] Lesley, Hist. p. 109.

[2] I have heard that there is a curious MS. history of the family of Wedderburn, at Wedderburn House, which gives some minute and interesting particulars regarding the murder of De la Bastie. He was slain by John and Patrick Home, younger brothers of the Laird of Wedderburn.

[3] Lesley, p. 110. Pinkerton, vol. ii. p. 170.

sought his mercy. The keys of the castle of Home were delivered to him at Lauder, the fortified houses of Langton and Wedderburn thrown open, and the warden, with perhaps too great a leniency, extended even to the principal murderers a pardon.

The four months' absence permitted by the parliament to Albany had now expired: but they had been passed in such unquietness, and the collision of opposite factions had so much increased, that he preferred the security and comfort of France to the precarious and thankless power of the regency, and wrote earnestly to the queen-mother, recommending her, if she could obtain the concurrence of the nobles, to resume her former station as head of the government.[1] But Margaret, with female weakness, insisted that her husband, Angus, to whom she had been lately reconciled, should be nominated regent; a proposal which the Earl of Arran, and the whole body of the Scottish nobles who had experienced his insolence and weakness, resolutely opposed. The chief power, therefore, continued in the hands of the regency, and a renewal of the truce with England[2] gave some leisure to attend to the healing of the wounds which still deeply rankled in the country. Of these one of the chief was to be found in the condition of the Isles, where the rude inhabitants had lately signalised themselves by unusual violence and disorder. Under the latter years of the reign of James the Fourth, these districts had been unusually tranquil. It had not been the sole policy of that monarch to overawe the seditious by the severity of his measures: he had endeavoured to humanise them by education, and to introduce a knowledge of the laws, and a respect for their sanctions; not through the suspected medium of Lowlanders, but by supporting Highland scholars at the universities, and afterwards encouraging them to reside permanently within the bounds of the Isles. It was as an additional means for the accomplishment of this enlightened purpose that this monarch was ever anxious to get into his power the sons of the Highland chiefs, whom he educated at court; hoping thus to attach them to his service, and to employ them afterwards as useful instruments in the civilisation of their country. With this view he had secured, in some of his northern expeditions, the youthful sons of Sir Alexander Macdonald of Lochalsh;[3] and the eldest of these became a favourite of the monarch. He restored part of his paternal estate, conferred on him the distinction of knighthood, and permitted him frequently to visit the Isles.[4] Upon the death of this sovereign it was soon discovered that these favours had been thrown away, for scarcely had the chieftains escaped from the carnage at Flodden and returned home, when a rebellion was secretly organised, of which the object was to restore the ancient principality of the Isles in the person of Sir Alexander Macdonald of Lochalsh. At the head of this insurrection was Maclean of Dowart,[5] commonly called Lauchlan Cattanach, and Macleod of Dunvegan, who seized the castles of Carnelreigh and Dunskaich, and threatened with the extremity of fire and sword all who resisted the authority of the new Lord of the Isles. It needed not this fresh source of disorganisation to weaken the administration of Albany; and although a commission to put down the insurrection was early given to the Earl of Argyle, and his efforts were seconded by the exertions of Mackenzie of Kintail, Ewen Alanson, and Monro of Foulis, the rebellion against the government spread through Lochaber and western Ross. Many of the most powerful families, especially those of Maclean and Macleod, with the clan Ian Mhor of Isla, persisted in their resolution to establish an independent sovereignty; and it was not till after a considerable

[1] Caligula, b. i. p. 247. Margaret to Lord Dacre, Lithgow, 13th October.

[2] Rymer, Fœdera, vol. xiii. p. 599.

[3] An extensive district in Ross-shire.

[4] Gregory's Hist. of the West Highlands and Isles, p. 106. He was known in the Highlands by the name of Donald Galda, or Donald the Foreigner.

[5] Dowart Castle in Mull.

interval of tumult and predatory warfare that the exertions of Argyle succeeded in reducing the insurgents, who were treated with uncommon leniency. Under assurances of safety, the principal leaders repaired to court, and the chief of Lochalsh procured for himself and his followers favourable terms of reconciliation.[1] Scarce, however, had he returned to his remote dominions when, owing to a feud which he had long maintained against MacIan of Ardnamurchan, the flames of civil discord were again kindled in the Isles, and the ferocity of private warfare soon assumed the more serious shape of rebellion against the state. Ample powers were again granted to Argyle, as lieutenant-general over the Isles; and Maclean of Dowart, lately the chief supporter of Sir Donald, having procured a remission for all the crimes committed by himself and his adherents during the insurrection, not only deserted his cause, but engaged in hostilities against him with a violence which declared that nothing but the utter destruction of the "wicked blood of the Isles" would restore tranquillity to the government of his sovereign, or security to the inhabitants of these remote districts. There seems reason to believe, however, that the extensive power granted by the council to Argyle and Maclean was more nominal than real; for although broken in his strength, the indefatigable claimant of the throne of the Isles remained unsubdued; and having united his forces to those of the Macleods and Alexander of Isla, he was strong enough to attack and entirely defeat his mortal enemy MacIan, at Craiganairgid, in Morvern. MacIan himself, with his two sons, were amongst the slain: the ferocious Islanders, who had a heavy arrear of blood to settle with this powerful chief, exulted in the ample vengeance by which he had been overtaken; and the consequences of this victory might have proved serious had not the rebellion been brought to an unexpected close by the death of Sir Donald of Lochalsh, who left no descendants to dispute the claims of the throne to the lordship of the Isles. From this period till the assumption of the supreme power by James the Fifth, the principality of the Isles remained in comparative tranquillity, owing principally to the exertions of the Earl of Argyle, whose activity and loyalty are, perhaps, to be traced as much to his ambition of family aggrandisement, as to any higher patriotic motive.

Although tranquillity was thus restored in these remote districts, the country continued disturbed. Much of the disorder was to be traced to the violence and ambition of Angus, whose feudal power was too great for a subject, and whose disappointment in being refused the regency, delighted to vent itself in an open defiance of the laws. For a while his reconciliation with the queen, to whom, as the mother of their sovereign, the nation still looked with affection, imparted a weight to his faction, which rendered him a formidable opponent to the regency; but the fickleness of his attachment, his propensity to low pleasures, and the discovery of a mistress whom he had carried off from her friends and secluded in Douglasdale, once more rekindled the resentment of the proud princess whom he had deserted, and an open rupture took place. She assumed a high tone, violently upbraided him for his inconstancy, reminded him that with misplaced affection she had even pawned her jewels to support him in his difficulties, and concluded by expressing her determination to sue for a divorce.[2]

As soon as this resolution, in which the queen was supported by the most powerful of the nobles, became known in England, Henry, who foresaw in its being carried into effect a deathblow to his influence in Scotland, opposed it with his characteristic impetuosity. He despatched Chatsworth, a friar who filled the office of minister-general of the Observantines in England, with letters to his sister, and enjoined him at the same time to remonstrate against the divorce,—a commission

[1] Gregory's History of the West Highlands, pp. 114-117.

[2] Caligula, b. i. 275. Pinkerton, vol. ii. p. 173.

which he fulfilled with much violence, declaring that the measure was illegal, that she was labouring under some damnable delusion; and insinuating, in no measured terms, that a strict examination of her own conduct might provoke from Angus a counter-charge of adultery. It is easy to see in all this a proof that Henry considered Angus as the head of the English faction, and that the queen, with the principal nobles, Arran, Argyle, Lennox, Fleming, and Maxwell, had become aware of the importance of a more cordial union against the intrigue and domination of England. Such, however, was the effect of this remonstrance, that Margaret, if not convinced, was intimidated; and, against the advice of her councillors, a reconciliation took place between her and Angus, which was as insincere as it was precipitate.[1]

From these domestic dissensions the attention of the regency was drawn to a mission from Christiern the Second, the Danish king, who earnestly petitioned from his Scottish allies a subsidy of a thousand Highland soldiers,[2] to assist him in his Norwegian wars. With more wisdom, however, than their late regent, the three estates eluded the request, on the ground that, from the uncertain dispositions of England, they could reckon little on the continuance of peace at home, and that the internal state of their own country could not at present spare its defenders. A few years after this, however, the reiterated requests of the Danish monarch were met by the grant of a small body of troops, under the command of Stewart of Ardgowan,[3] but the tyranny of Christiern, and the piracies of the Danish privateers upon the fleets of their merchantmen, effectually cooled the zeal of their allies, and no further auxiliaries appear to have left the country to the assistance of the unpopular monarch.

On his return to France, Albany carried with him an authority from the parliament to superintend the foreign affairs of Scotland; and it is to his credit that, in the disposal of benefices, at that period one of the most lucrative sources of peculation, his applications to the Pope were, without exception, in favour of natives,—a circumstance which affords a satisfactory answer to the accusations which his enemies have brought against him of a blamable love of money, and a want of national feeling. The continued change in the policy of the French king now caused the renewal of the peace with England; and Francis having included his allies, the Scots, in the treaty,[4] provided they agreed to its terms, La Fayette and Cordelle arrived as ambassadors in England, from whence, in company of Clarencieux herald, they proceeded into Scotland. It was now found that without a parliament the powers of the council of regency were insufficient to conclude this transaction; and the three estates having assembled, the French ambassador intimated, in no unequivocal terms, that if this treaty were rejected, in which his master considered the prosperity of his kingdom to be involved, his northern allies must no longer look for the support of France, —a consideration of such weight that it was not judged prudent to delay its acceptance;[5] and the prolongation of the truce between England and Scotland, to the 30th November 1520, was proclaimed at Stirling in presence of the regents and the French and English ambassadors.

To these wise proceedings the only opposition which was offered came from the Earl of Angus. As this haughty noble, whose great estates and numerous vassalry rendered him at all times formidable, increased in years, his character, throwing off the excesses of youth, discovered a power and talent for which his opponents were not prepared, and his ambition, which had

[1] Caligula, b. ii. 333. Dacre to Wolsey, Harbottle, 22d Oct. Caligula, b. vi. 194. Chatsworth to the Queen.

[2] "Mille Silvestres Scotos." Epistolæ Regum Scot. vol. i. p. 302.

[3] Ibid. vol. i. pp. 317, 318.

[4] Rymer, Fœdera, vol. xiii. p. 627. October 2, 1518.

[5] Margaret to Wolsey, Stirling, 26th Dec. Caligula, b. vi. 270. Pinkerton, vol. ii. p. 178, gives the substance of the queen's letter, but misdates it Dec 17.

hitherto only given occasional distress, became systematically dangerous to the government. His faction was numerous, embracing the Earls of Crawford and Errol, the Lord Glammis, the prelates of St Andrews, Aberdeen, Orkney, and Dunblane, with many other dignitaries and partisans. On the arrival of the French ambassadors at the capital, he had made an ineffectual effort to intrude into the place of Arran, and undertake the management of the treaty; but this being peremptorily declined, he intercepted them on their return to England, at the head of a formidable array of his vassals, and rudely upbraided them for their alleged contempt of his authority.[1]

In the capital his intrigues amongst the citizens were more successful, and led to sanguinary results. Arran had been chosen provost of Edinburgh,—a situation which was at this period an object of contest amongst the highest nobles, and he confidently looked to his re-election. But on repairing from Dalkeith, where the court was then held, to the metropolis, he found the gates shut against him, and Archibald Douglas, the uncle of Angus, installed in the civic chair.[2] The partisans of the lieutenant-general, the title now given to Arran, attempted to force their entrance, but were repulsed with bloodshed; and Gawin, a carpenter, the friend of Angus, and the principal leader of the tumult, was slain by Sir James Hamilton, commonly called the bastard of Arran. About the same time, Home of Wedderburn, whose wife was the sister of Angus, and whose hands had been recently stained by the blood of De la Bastie, added the guilt of sacrilege to murder by assassinating the Prior of Coldingham, with six of his family, and thus making way for the intrusion of William Douglas, the brother of Angus, who instantly seized the priory. When such were the steps of ecclesiastical promotion, and such the character of the dignitaries who ascended them, we are scarcely to wonder that respect for the hierarchy did not form a feature in the age. But to this censure it must be allowed that there were eminent exceptions; and a remarkable one is to be found in the learned, pious, and venerable Dunbar, bishop of Aberdeen, who, living himself in primitive simplicity, refused to expend the minutest portion of his revenues upon his personal wants, and entirely devoted them to works of public utility and extensive charity.[3]

Amid much intestine commotion, Arran and the lords of the regency vainly attempted to exercise their precarious authority, and it would be fruitless to enumerate the individual excesses which were constantly occurring in a country torn by contending factions, and groaning under the miseries incident to a feudal minority. But, upon the meeting of a parliament which had been summoned for the healing of these disturbances, a scene occurred which is too characteristic to be omitted. The capital, where the estates were to assemble, had been partially abandoned by the partisans of Angus, who retained as a bodyguard only four hundred spearmen; whilst, in consequence of a recommendation transmitted by Albany the late regent, which wisely directed that, for the public peace, no person of the name of Hamilton or Douglas should be chosen provost, Archibald Douglas had resigned that dignity, and Robert Logan had been elected in his place. The party of Angus were thus greatly weakened in the city, and Arran, the governor, mustered in such strength, that his friends, of whom Beaton, the archbishop of Glasgow and chancellor of the kingdom, was the principal, deemed that the opportunity of reducing the overgrown power of Angus was too favourable to be neglected. For the discussion of their designs a council of the principal leaders was held in the church of the Black Friars, where Gawin Douglas, the celebrated Bishop of Dunkeld, appeared as a peacemaker between the contending factions. Addressing himself to Beaton, the primate, who wore a coat of mail under

[1] Lesley, Bannatyne edit. p. 114. 21 Caligula, b. ii. 264. Dacre to Wolsey, 10th Dec. Harbottle.

[2] Dacre to Wolsey, 10th Dec. Ibid.

[3] Lesley, History, p. 112

his linen rocquet, he earnestly remonstrated against their intention of arresting Angus, and so warmly urged his entreaty, that Beaton, suddenly striking his hand on his breast, declared on his conscience that they had no hostile intentions, or at least that he was ignorant of their existence. "Alas, my lord," said Douglas, as the steel plates of Beaton's armour rang to the blow, "I perceive your conscience clatters." The spirited appeal of Douglas, however, had nearly succeeded, and Sir Patrick Hamilton, the brother of the governor, had agreed to become umpire, when Hamilton of Finnart, a man distinguished for his ferocity, upbraided him with cowardice in declining the combat; and pointed to the spearmen of Angus, who, being joined by a band of Borderers, under Home of Wedderburn, had arrayed themselves in a formidable phalanx upon the causeway. It was a reproach which the proud spirit of Hamilton could not bear. "Bastard *smaik*,"[1] said he, "I shall fight this day where thou darest not be seen." Upon which he rushed into the street, followed by a few of his retainers, and threw himself, sword in hand, upon the ranks of the spearmen, whilst Angus pressing forward slew him on the spot, and fiercely assaulted his followers, most of whom fell pierced by the long pikes of the Borderers: all forbearance was now at an end; and the conflict becoming general, the party of Arran, after a fierce resistance, were entirely routed, the chief himself being chased out of the city, and Beaton compelled to fly for safety behind the high altar of the church of the Dominican convent.[2] Even this sanctuary was not enough to screen him from the ferocity of the soldiers, who tore off his rocquet, and would have slain him on the spot, but for the timely interference of his rival prelate, the Bishop of Dunkeld.

[1] Smaik, a silly mean fellow.

[2] "Considering that th' Erle of Anguisse slew Sir Patrick Hamilton, brother to the said Erle of Arayn (with) his own hand, intending also to have killed him if he could." Letter, Wolsey to the Duke of Norfolk. Caligula, b. i. 326, 327.

Angus now remained master of the capital, and for some months appears to have ruled its proceedings with a boldness which defied the authority of the governor and the restraint of the laws. The heads of Home and his brother, which, since their execution, had remained exposed on the front of the public prison, were removed, masses said for their souls, and their obsequies celebrated with great solemnity.[3] A sudden attempt was soon after made to seize the governor and the chancellor, who, with some of their party, had determined to meet at Stirling, but receiving intelligence of their danger, they hastily dispersed; and Angus, whose private affairs required his presence in the extensive district which owned his authority, by retiring thither gave a temporary respite to the country.

It was still the interest of Francis the First to cultivate the amity of England. His influence with Wolsey had already procured the restitution of Tournay, and his hopes were high that the more important city of Calais, might, ere long, be restored to France, —a policy which affords a key to his transactions with Scotland. Stuart, lord of Aubigny, and Duplanis were despatched as his ambassadors to that country, and the advice which, by their master's orders, they tendered to the Scottish estates, was strikingly at variance with the former policy of France, and the feelings of a great proportion of the Scottish nobles. The necessity of maintaining peace with England, the prolongation of the truce, and the evil consequences which would result from the return of Albany, were earnestly insisted on. It was added that Francis could never consent to his leaving France, and once more rekindling, with all their ancient intensity, the flames of internal discord in Scotland, whilst no effort was left untried by the ambassadors to reconcile the differences between the French and English parties, and to re-establish the peace of the coun-

[3] Lesley, Hist. p. 116. Lindsay, Hist. pp. 120, 121. Buchanan, xiv. 12.

try.[1] To effect this, however, exceeded the skill of these French diplomatists. The hatred of the queen-dowager to her husband Angus, was now too deep to admit even the semblance of a reconciliation; her temper, which partook of her brother's violence, resented his imperious mandates; and as Dacre and Wolsey, who regarded Angus as the pillar of the English interest, began to treat her with coldness, Margaret, not unnaturally, was induced to look to France, in whose policy towards England a very sudden revolution now took place, in consequence of the election of Charles the Fifth to the imperial throne. The political treachery of Wolsey, whose personal ambition had become incompatible with the continuance of his devotion to Francis, is well known to the student of European history; and one of its immediate effects was the reconciliation of Albany and the queen-dowager, who, by a letter under her own hand, entreated his return to Scotland,[2] anticipating, by a union of their parties, the complete submission of the kingdom to their authority. It was even rumoured that Albany had employed his interest at the Papal court to procure the queen's divorce from Angus, with the design of offering her his hand; whilst a still more ridiculous report was circulated, of which it is difficult to trace the origin, that the young king had been conveyed to England, and that the boy to whom royal honours were then paid in Stirling was a plebeian child, which had been substituted in his place.

In the meantime, Angus, whose nomination as one of the regents gave him a title to interfere in the government, effectually counteracted the superior authority of Arran; and, strong in his partisans and vassals, he gained a weight in the councils of government, which was maintained with much arrogance. All things, therefore, seemed to urge upon the queen's party the necessity of immediate action; and as the open accession of Henry the Eighth to the interests of the emperor, by dissolving the ties between that monarch and the French king, had removed every impediment to the departure of Albany, this nobleman set sail from France, and arrived in Scotland on the 19th of November, disembarking from the Gareloch in Lennox; from thence he proceeded to Stirling,[3] where he was immediately joined by the queen, and welcomed by that princess, whose affections were as violent as her resentments, with an indiscreet familiarity, which gave rise to reports injurious to her honour. Lord Dacre, in a letter to his sovereign, represents her as closeted with Albany, not only during the day, but the greater part of the night, and careless of all appearances: whilst he refers his majesty to the Bishop of Dunkeld, then at the English court, for a confirmation of the intimacy which existed between them.[4] Whatever truth we are to attach to these accusations, to which the character of the queen gives some countenance, the immediate effects of Albany's arrival were highly important. It was an event which reunited the discordant factions, and gave the promise of something like a settled government. The nobility crowded to the palace to welcome his arrival, and he soon after entered the capital, accompanied by the queen and the chancellor, and with such a show of strength, that the party of Angus precipitately deserted the city; he then proceeded to the castle, where he was admitted to an interview with the young king, on which occasion the captain delivered the keys of the fortress into his hands; these, the regent with much devotion, laid at the feet of the queen-dowager, and she again presented them to Albany, intimating, that she considered him the person to whose tried fidelity the custody of the monarch ought to be intrusted.[5]

Albany, thus once more reinstated,

[1] Caligula, b. vi. 140. Instructions à Monr. Robert Estuard, Seigneur d'Aubigny.

[2] Caligula, b. ii. 195. Margaret to Dacre.

[3] Caligula, b. vi. 204, dorso. Instructions and Commission for my Lord of Dunkeld.

[4] Caligula, b. vi. 204, 205, dorso.

[5] Instructions. Angus to Dunkeld. Caligula, b. vi. 204. Pinkerton, vol. ii. p. 188.

after an interval of five years, in the precarious honour of the regency, summoned a parliament to meet within a short period at Edinburgh, and fulminated a citation against the Douglases to appear in that assembly, and reply to the weighty charges to be brought against them; but although determined to put down with a firm hand these enemies of the state, the regent was anxious for peace with England. The principles of his government, of which the venality of the Scottish nobles, and the intrigues of Dacre, the minister of Henry, alone prevented the development, were, to maintain the ancient independence of Scotland, and, whilst he dismissed all dreams of conquest or glory, to resist that secret influence, by which the English monarch, for his own ambitious designs, sought to govern a kingdom, in whose administration he had no title to interfere. The means by which he sought to accomplish these ends were, to reunite the discordant elements of the Scottish aristocracy, to persuade the queen-mother that her interest and those of her son the king were one and the same, and to open immediately a diplomatic correspondence with England, in which he trusted to convince that power of the uprightness and sincerity of his intentions.

But the difficulties which presented themselves, even on the threshold of his schemes, were great. Dacre, one of the most crafty diplomatists in the political school of Henry the Eighth, had no intentions of renouncing the hold he had so long maintained for his master over the Scottish affairs; he reckoned with confidence on the impetuous temper and capricious affections of the queen-dowager, he was familiar with the venality of the nobles, and he knew that the means he possessed of disturbing the government were many and powerful.[1] He therefore entered into a correspondence with Albany and the queen, with confident anticipations of success; but for the moment he was disappointed; he had not reckoned on the strength of their united parties, and, baffled in his efforts, his anger vented itself in accusations of the grossest and darkest nature against the governor. In the letters addressed to his royal master and to Wolsey, he represented the regent's intimacy with the queen as scandalous and adulterous; it was reported, he said, that they had endeavoured, by a high bribe, and in contemplation of their marriage, to induce Angus to consent to a divorce; that Albany evidently looked to the throne; and that some men did not scruple to affirm that the life of the young monarch was in danger. It may be conjectured that, although Dacre repeats these as the rumours which had begun to circulate amongst the people, he was himself the principal author from whom they emanated.

Such were the secret practices by which this busy political agent, and the creatures whom, on another occasion, he mentions as being in his pay, endeavoured to bring into disrepute the government of Albany; but for the present they were too gross to be successful. The only portion of truth which was to be found in them related probably to the governor's intrigue with the queen, which the licentious manners of the times, and the well-know gallantries of that princess, rendered by no means an improbable event. That Albany had any design of marriage, that he was ambitious of the royal power, or that he contemplated the atrocious crime by which he must have ascended the throne, are calumnies refuted by the whole tenor of his former and subsequent life.

[1] In a letter from Wolsey to Henry, November 1521, the secret and insidious policy of Henry towards Scotland is strikingly laid down. "Nevertheless, to cause him not only to take a more vigilant eye to the demeanour of the Scots, as well within Scotland as without, and to be more diligent, hereafter, in writing to your grace and me, but also favourably to entertain the Homes and other rebels, after his accustumable manner, so that they may continue the divisions and sedition in Scotland, whereby the said Duke of Albany may, at his coming hither, be put in danger; and though some money be employed for the entertainment of the said Homes and rebels, it will quit the cost at length"—State Papers, published by Government, p. 91.

The best practical answer, indeed, to these imputations was the success and popularity of his government. Angus, whose power had been too intolerable for the council of regency, with his adherents, Home and Somerville, were compelled to fly for security to the kirk of Steyle, a retreat whose obscurity denotes the contempt into which they had fallen. From this place they engaged in a negotiation with Henry, which was managed by the celebrated Douglas, bishop of Dunkeld, a keen and unscrupulous partisan of his nephew Angus.[1] This prelate was empowered to visit Dacre on his journey to England, and afterwards, in a personal interview with Henry, to explain to that monarch the political state of Scotland, and the alleged excesses of the regent. These, there is reason to believe, he had every disposition to exaggerate; and in consulting the original papers which he has left, and the diplomatic correspondence of Lord Dacre, the historian who is anxious to arrive at the truth, must recollect that he is perusing the evidence of partisans who were entirely devoted to the English interest, and whose object it was to reduce the country under the complete control of the English monarch. It is, therefore, with some distrust that we must listen to the accusation brought against the regent of a profligate venality in the disposal of ecclesiastical patronage, when we recollect his different conduct at a time when his actions could be closely watched, and the temptation was, perhaps, greater. To Dacre, Albany strongly remonstrated against the infractions of the truce, and the encouragement held out by Henry to those rebellious chiefs in Scotland, who had been cited to answer for their treasons before the great council of the nation; whilst the English warden, withholding from Albany his title of regent, and addressing him simply as one of the council, retorted a complaint against the conduct of Lord Maxwell, who had refused to proclaim the peace, and permitted an invasion of the English Borders. There can be no doubt that the accusations on both sides were well founded, as, in these times, from the ferocious habits of the Borderers, nothing could be more difficult than to enforce the observation of a truce; but the regent, who seems to have been sincere in his desire of peace, promised immediate redress, whilst Dacre, although he recommended his master the king to abstain from any abrupt declaration of war, craftily suggested a plan by which, through pensions granted to the English northern lords on condition of their invading the Scottish Borders, he might distress the country even more than by avowed hostilities.[2] He excited the animosity of the English king at the same time by informing him that, to the prejudice of the title of his royal nephew, the regent had assumed the style of majesty; and he insinuated, from some expressions which had been used by the Scottish governor, that his zeal in the office of lord warden might not improbably expose him to attempts against his life.[3] In the meantime the Bishop of Dunkeld proceeded on his secret mission to Henry, and the strength of Albany became so great, that after an ineffectual endeavour to abide the tempest which awaited them, Angus and his partisans deemed it prudent to escape into England.

It is unfortunate that the principal original records which remain of these troubled times, and from which we must extract the history of the second

[1] "The Instructions and Commission for my Lord of Dunkeld to be shewen to the king's grace of England" is a curious document. It is preserved in the British Museum, [Caligula, b. vi. 204,] and commences with the following startling accusation:—"Item first, ye shall shaw how the Duk of Albany is com to Skotland, and throw his pretended title that he has to the crown, it is presumed, he havand the kepand of the king our soveran lord, your nephew, and the reull of his realme and subjects, [there] is grete suspicion and danger of his person; wherefore, without hasty assistance, and help of the king's grace of England, it is thought to us that our soverain lord forsaid stands in gret jeapardie of his life." See also the valuable volume of State Papers published by Government, part i. pp. 17, 18. Wolsey to Henry VIII. July 1521.

[2] Caligula, b. vi. 205, 206.

[3] Pinkerton, vol. ii. p. 190.

regency of Albany, are so completely the composition of partisans, and so contradictory of each other, that to arrive at the truth is a matter of no little difficulty. But in examining the impetuous measures adopted by Henry, the violent accusations against the government of Albany which proceeded from Dacre and the Bishop of Dunkeld, and the animated, though partial, defence of his and her own conduct, which is given by the queen, it is clear, I think, that the views presented of the character of the regent by Pinkerton, and some later writers, are unjust and erroneous.

Soon after the flight of Angus, his uncle, the Bishop of Dunkeld, addressed a memorial to the English king, in which he bitterly arraigned the conduct of the regent, accusing him of reiterated acts of peculation, and alleging that his avarice had proceeded so far as to have converted the royal robes and tapestries into dresses for his pages; the young king, he affirmed, was kept in a state not only of durance, but of want; the fortresses of the kingdom were garrisoned by Frenchmen; the ecclesiastical benefices shamelessly traffieked for gold; and the crown lands dilapidated by a usurper, who, he maintained, had no title to the regency—it having been expressly declared by the parliament, that should Albany remain more than four months in France, he should forfeit that high office. Margaret, on the other hand, despatched an envoy to her brother, to whom she gave full instructions, written with her own hand, in which she contradicted, in the most pointed terms, the distorted representations of the Bishop of Dunkeld. She described the conduct of the regent as respectful and loyal; he had in nothing interfered, she said, with the custody of the king her son, who, by the permission of the lords whom the parliament had appointed his guardians, resided with herself in the castle of Edinburgh. She entreated Henry not to listen to the scandal which had been raised against her by a traitorous and unworthy prelate, who had forfeited his bishopric, of which the governor had given her the disposal; and she besought her brother not to imitate, in his present answer, the sternness of a former message, but to give a favourable audience to her envoy, and a friendly construction to her remonstrances.[1]

Nothing, however, could be further from the mind of this monarch, who, giving himself up completely to the selfish policy of Wolsey, had resolved upon a war both with France and Scotland; he denounced his sister as the paramour of the governor, declared that he would listen to no terms until he had expelled this usurper from Scotland; accused him of having stolen out of France, in defiance of the oath of the French king, which guaranteed his remaining in that country; he despatched Clarencieux herald with a severe reprimand to the queen, and addressed, at the same moment, a message to the Scottish estates, which gave them no choice but the dismissal of Albany, or immediate hostilities with England. To this haughty communication the Scottish parliament replied with firmness and dignity. They derided the fears expressed by Henry for the safety of his nephew the king, and the honour of his sister, as idle, entreating him to refuse all credit to the report of such Scottish fugitives as abused his confidence; they reminded him that Albany had been invited by themselves to assume the regency; that he had conducted himself in this office with all honour and ability, as clearly appeared by his discovering and defeating the iniquitous designs of those traitors who had conspired to seize their youthful king, and transport him out of the realm; and they declared that, however solicitous for peace, they would never so far forget themselves or their duty to their sovereign, as to remove that

1 Caligula, b. vi. 208. 6th January 1521-2. An original in the queen's hand. "And further," says Margaret, "ye shall assure his grace, in my name, of my lord governor, that his mind is aluterlie to haif peace, and for the weill of this realme, without ony other thought or regard, and his coming here, is alanarlie to kepe his aith and promise, and for na other causs. And without his coming it had been impossibil to me to haf bidden in this realme."

governor whom they had chosen, and once more abandon the commonwealth to those miserable intestine divisions to which it had been exposed during his absence. Here it is our pleasure, said they, that he shall remain, during the minority of our sovereign, nor shall he be permitted or enjoined to depart from this realm, at the request of your grace, or any other sovereign prince whatever. And if, they concluded, "for this cause we should happen to be invaded, what may we do but trust that God will espouse our just quarrel, and demean ourselves as our ancestors have done before us, who, in ancient times, were constreyned to fight for the conservation of this realm, and that with good success and honour."[1]

Meanwhile, Angus, a fugitive on the English Borders, yet little trusted by Henry, grew impatient of his obscurity and inaction; and although still unreconciled to his wife, so far prevailed on her latent affection, as to induce her to intercede on his behalf with Albany, who, on the condition that he and his brother, George Douglas, should retire into a voluntary exile, consented that the process of treason and forfeiture should not be carried into execution against him. He accordingly passed into France, where he appears to have devoted himself to such studies as rendered him, on his return, a more formidable opponent than he had ever yet been.[2]

Whilst the estates replied in this spirited manner to the proposal of Henry, neither they nor the governor could shut their eyes to the injurious consequences of a war with England. Repose and good government were the only means by which their country, worn out by long intestine commotions, could revive; they were, indeed, once more the allies of France, and the French monarch, against whom the emperor and Henry had now declared war, was anxious by every method to employ their arms in his favour; but their eyes were now open to the sudden changes which were perpetually taking place in European politics, and they had not forgotten the facility with which, on a late occasion, Francis had abandoned their interests when they became incompatible with his own views of ambition. It was determined, therefore, to assemble an army, but to act on the defensive, and to make the best provision for the preservation of peace, by assuming the attitude of war.

To these calm and wise counsels, the violent conduct of Henry offered a striking contrast. He published a sentence of confiscation and banishment against all French and Scottish subjects who were resident in England, and insisted that the Scots should be driven from his dominions on foot, with a white cross affixed to their upper garments. He commanded the Earl of Shrewsbury to raise the power of the northern counties; and this leader, suddenly penetrating as far as Kelso, gave that beautiful district to the flames, but was repulsed with considerable loss, by the Borderers of Merse and Teviotdale. About the same time an English squadron appeared in the Forth, and, after ravaging the coast, returned without opposition to the Thames,—a proof that, during this calamitous minority, the naval enterprise of the Scots had declined. It was impossible, however, that these outrages, which might be only preludes to more serious hostilities, could be overlooked; and Albany having assembled a parliament at Edinburgh, it was resolved that war should be instantly declared against England. The young king, now in his eleventh year, was removed from the capital to Stirling castle, Lord Erskine, a peer of tried fidelity, being appointed his sole governor; and letters were issued for the array of the whole feudal force of the kingdom. At this moment, whether induced by the promises of Dacre, or actuated by that capricious mutability in her affection, which Margaret seems to have possessed in common with her brother Henry, the queen suddenly cooled in her attachment to the interests of the regent, and betrayed the

[1] Rymer, Fœdera, vol. xiii. pp. 761, 763.
[2] Lesley, p. 117. Pinkerton, vol. ii. p. 201.

whole secrets of his policy to the English warden; becoming an earnest advocate for peace, and intriguing with the chiefs and nobles to support her views.

It was now the period which had been appointed for the muster of the Scottish host, and Albany, at the head of a numerous and well-appointed army, eighty thousand strong, and with a formidable train of artillery, advanced towards the English Borders, and encamped at Annan. Neither party, however, were sincere or earnest in their desire of war. Henry wished to avoid it, from his anxiety to concentrate his undivided strength against France; the Scottish governor, from a conviction that a war of aggression, although favourable to the interests of Francis, was an idle expenditure of the public strength and the public money. On commencing hostilities, therefore, both belligerents appear to have mutually intimated the condition on which they considered that the war might be speedily concluded. Henry had so far altered his tone as to insist simply on the stipulation that the King of Scots should be placed in the hands of faithful guardians, without adding a word regarding the necessity of Albany's departure from the realm; whilst the regent declared that he was ready to stay the march of his army, under the single condition that France should be included in the treaty to be negotiated by the belligerents. The Scottish force, however, advanced to Carlisle; and as the flower of the English army was with their sovereign in France, a universal panic seized the northern counties, which seems to have communicated itself to the desponding despatches of Wolsey; but Dacre, who knew from the queen-dowager the aversion of the leaders to the war, and the pacific desires of the regent, immediately opened a correspondence with the governor, and, by a course of able negotiations, succeeded in prevailing upon him to agree to an abstinence of hostilities for a month, for the purpose of sending ambassadors into England. He then disbanded his army, without striking any blow of consequence.[1] It has been the fashion of the Scottish historians to arraign the conduct of Albany on this occasion, as singularly pusillanimous and inglorious; but a little reflection will convince us that the accusation is unfounded. It had been the advice of Bruce, a master in the art of Scottish war, from whose judgment few will be ready to appeal, that, in maintaining their independence, the Scots should abstain from any lengthened or protracted expedition against England; that they should content themselves with harassing the enemy by light predatory inroads, and never risk a pitched battle, which, considering the inferior resources of the country, might, even in the event of a victory, be ultimately fatal. By this counsel the regent was now wisely guided; and it ought not to be forgotten that the obstinate neglect of it, in opposition to the remonstrances of some of James's ablest commanders, had brought on the defeat of Flodden, and the subsequent calamities of the country. Dacre and Shrewsbury were indeed unprepared to meet the Scots with a force at all equal to that which they led against him; and had they been combating, as in the days of Bruce, for their national existence, it might have been a question, whether they ought not to have taken advantage of the opportunity, by wasting the country, in a rapid inroad; but now the circumstances were entirely changed. Albany, the queen, and the Scottish nobles, were all equally desirous of peace. Aware of the folly of sacrificing their country to the ambition of France, the peers had declared to Dacre, that "for no love, favour, or fair promises of the French king, would they in any wise attempt war against England, or invade that country:[2] nothing but Henry's command that they should dismiss the regent from the country, and submit to his dictation, having compelled them to

[1] Lesley, Bannatyne edit. p. 123. State Papers, p. 107. Wolsey to Henry the Eighth.

[2] Caligula, b. vi. 256, dorse. Instructions by the king's highness to Clarencieux king at-arms.

take arms." From this demand he now departed. Dacre, in an altered tone, only stipulated that measures should be taken for the security of the young king; he promised an immediate truce, and to stay the advance of the English army; to command a cessation of all hostilities on the Borders, and to procure a safe conduct for the Scottish ambassadors to the court of England. It would have been unwise to have sacrificed such favourable terms to any idle ambition of conquest or invasion; and the writers who have accused the regent, on this occasion, of weakness and infatuation, must have given an imperfect examination to the peculiar and trying circumstances in which he was placed: whilst it appears, however, that the conduct of Albany was undeserving the severity of the censure with which it has been visited, it is not to be denied that Lord Dacre acted throughout with great political ability. I have digressed thus far in examining the conduct of the regent, because our more ancient historians have attributed the sudden peace to dissensions in the Scottish host, whilst Pinkerton, and those who have followed his steps, trace it solely to the pusillanimity of Albany, both opinions being founded, as it appears to me, on erroneous grounds.

On the dismissal of his army, Albany returned to the capital, and resumed the anxious labours of his regency: the queen, at the same time, with characteristic caprice, continued her private correspondence with Dacre, betraying the secrets of the governor, and thus enabling him to defeat his measures by sowing dissensions amongst the nobles; whilst the negotiations for continuance of the truce were brought to an abrupt termination by Henry's decided refusal to include France within its provisions. Nothing, indeed, could be more irksome or complicated than the duties which on every side pressed upon the governor. His engagements to France prompted him to hostilities with England; his own opinion, and his attachment to his nephew the king, convinced him that peace was to be preferred, for the best interests of the kingdom committed to his care: he had none beside him upon whom he could place implicit reliance in the discussion of state affairs, or the execution of his designs. Many of the nobles were corrupted by the money of England: if he attempted to punish or detect them, they rebelled; if he shut his eyes to their excesses, his indulgence was interpreted into weakness; and the queen-dowager, by the junction of whose party with his own he had so lately succeeded in putting his enemies to a precipitate flight, was not to be trusted for a moment.

It was, perhaps, the difficulties of his situation, and the impossibility of reconciling these various parties and interests, which now induced him to meditate a visit to France for the purpose of a conference with Francis the First, in which he was no doubt solicitous to vindicate what must have appeared to that monarch the culpability of his late inaction. About the same time the Earl of Shrewsbury, whose age incapacitated him for the activity of a military command, was removed, and Surrey, a nobleman of great vigour and ability, appointed chief warden of the Borders; whilst the Marquis of Dorset, and the experienced Dacre, acted under him as wardens of the east and west marches.[1] The governor now appointed a council of regency, which consisted of the Archbishop of Glasgow, chancellor, with the Earls of Huntly, Arran, and Argyle, to whom he added Gresolles, a French knight, much in his confidence; he bound them by oath to attempt nothing which should weaken his authority;[2] and promising to return within ten months, under the penalty of forfeiting his regency, he sailed for France, where he was received by the king with much respect and kindness.

1 Lesley, p. 123.

2 Caligula, b. ii. 327. **Dacre to Wolsey.** "The same lordes are bodely sworne, and oblisshed to do nothing contrary to the said duke's office of tutory unto his retourne."—31st October 1522, at Harbottle.

During his absence, the war, notwithstanding the assurances of Dacre, and the promises of Henry to preserve peace, continued to rage with undiminished violence on the Borders. The conduct of the English monarch, indeed, must have appeared intolerable to every one who contrasted it with his hollow professions of love to the person and government of his nephew.[1] Dorset, the warden of the east marches, with Sir William Bulmer, and Sir Anthony Darcy, made an incursion into Teviotdale, and sweeping through the country, left its villages in flames, and robbed it of its agricultural wealth. Surrey, who commanded a force of ten thousand men, broke into the Merse, reduced its places of strength, and afterwards assaulted Jedburgh, which he burnt to the ground, destroying, with sacrilegious barbarity, its ancient and beautiful monastery: Dacre reduced the castle of Fernyhirst, took prisoner the celebrated Dand Ker, a Border chief of great military skill, and afterwards led his host against Kelso, which, with the adjacent villages, he entirely sacked and depopulated. Yet Henry had but lately declared, by Clarencieux, whom, on the retirement of Albany, he had despatched into Scotland, that he considered the war unnatural, and was earnestly desirous to live at peace with his royal nephew.

It was scarcely to be expected that the intimation of such violent proceedings should not have incensed Albany; and, although out of the kingdom, and aware of the difficulty of persuading its divided nobility to any union, he determined to make a last effort to repel the insult offered to his government, and save the kingdom from being alternately wasted as a rebellious district, or administered as a province of England.[2] To this he was the more inclined, as the extreme cruelty with which the country had been wasted, had, for the moment, roused the resentment of the nobles; and anxious to profit by these feelings, the governor returned to Scotland with a fleet of eighty-seven small vessels and a force of four thousand foot, to which were added five hundred men-at-arms, a thousand hagbutteers, six hundred horse, of which one hundred were barbed, and a fine park of artillery.[3] It was reported he was to be followed by an illustrious pretender to the crown of England, Richard de la Pole. His claim as a descendant of a sister of Edward the Fourth, had been supported by Francis the First, and it was now, with the object of disturbing the government of England, espoused by Albany.[4]

On his arrival, the condition in which the regent found his affairs was far from encouraging. His former ally, the queen-dowager, had completely embraced the English interest, and was eagerly engaged in a negotiation with Dacre and Surrey, which threatened to change the whole aspect of affairs. It was proposed, with the object of flattering the princess, that her son, the young king, should solemnly assume the supreme power, whilst she, at the head of a council, should conduct the government; and the correspondence upon this subject, although at this moment not conducted to a favourable termination, was not long after resumed with complete success. When Albany looked to the nobles, he discovered that, although willing to assemble an army for the defence of the Borders, they were totally averse to an invasion upon a great scale, or to a war of continued aggression, in which they argued that, for the sole object of obliging France, they could gain nothing, and might hazard all; whilst, on turning to Sur-

[1] Pinkerton, vol. ii. p. 212. State Papers, p. 115. "Wherefore, my lords, the king's highness, my sovereign lord, bering tender zele to the good of peax, and specially with his derest nephew, and the Queen of Skotland hath sent me to know whether ye persever and continew in your vertuous intente and mynde towards the establissment of good peax betwix both the realms." Instructions to Clarencieux, an original corrected by the cardinal. Caligula, b. vi. 254. Ibid. 261.

[2] Letter of Wolsey to Sampson and Jerningham, 31st August 1523, in App. to Fiddes' Life of Wolsey, p. 137.

[3] Caligula, b. iii. 58. Copy of the Lord Ogle's letter.

[4] Carte, vol. iii. p. 55 State Papers, 122-125.

rey, the English commander, he found him with peace, indeed, upon his lips, yet, by his whole conduct, shewing a determination for immediate war. We know, by a letter of this stern leader to Wolsey, that he had resolved to conduct such an invasion as should lay waste the Scottish Border to the breadth of twelve miles, and reduce it for ever after to the state of an uninhabited desert.[1]

To these difficulties, which pressed him on every side, must be added the circumstance that the regent had little experience in the peculiar system of Scottish war, but had been trained in the military school of Italy; and that any designs which he attempted to form for the conduct of the campaign, were communicated to Surrey by the queen, whose conduct had made her contemptible in the eyes of both parties. With such complicated embarrassments, ultimate success could scarcely be expected; but, for the moment, Albany, whose coffers had been recently filled, and were liberally opened, found the venality of the Scottish nobles a sure ground to work upon; and even the queen, who at first had thoughts of retreating to England, was so dazzled by his presents, and won by his courtesies, that her allegiance to that country began to waver; nor did she scruple to inform the Earl of Surrey that Henry must remit more money, else she might be induced to join the French interest.[2]

It was of material consequence to the regent that hostilities should instantly commence, as the foreign auxiliaries were maintained at a great expense, and the dispositions of the nobility were not to be trusted for any length of time. A parliament was assembled without delay; a proclamation issued for an array of the whole force of the kingdom on the 20th of October; whilst Albany, surrounded by the principal nobles, made an imposing display of his foreign troops, exercised his park of artillery, harangued the peers upon the still unavenged defeat of Flodden, and joyfully received their assurances of attachment to his service, many falling on their knees, and with earnest protestations, declaring their readiness to obey his orders.[3] Nothing, however, was further from their intention; their secret determination, as the result soon shewed, was to decline a battle and not advance a step into England; whilst these hollow professions were merely used to secure the pensions which they were then receiving from France. For the selfishness and venality of such conduct, little excuse can be pleaded; and it is unfortunately too frequently to be found in the preceding and subsequent history of the Scottish aristocracy.

Meanwhile, all looked fair for the moment. On the day appointed, the army mustered in considerable strength on the Borough-muir, near Edinburgh. Argyle, indeed, delayed at Glasgow, for the purpose of assembling the Highlanders and Islesmen; the Master of Forbes did not hesitate to speak openly against the expedition; and Huntly, one of the most powerful of the peers, excused himself by feigning indisposition; yet a respectable force assembled, amounting, in effective numbers, to about forty thousand men, not including camp followers, which, on such occasions, were always numerous. With this army, Albany advanced towards the Borders; whilst symptoms of an early winter darkened around him, and his march was impeded by dragging his train of artillery through the rude and heavy roads of a country totally dissimilar from that in which they had been accustomed to act. The Scottish soldiers and their leaders became jealous of the foreign auxiliaries, who required much attendance and consumed the best of everything; whilst the towns and burghs complained of the necessity imposed on them to furnish transports for their baggage. Owing to

[1] Pinkerton, vol. ii. p. 217. Caligula, b. vi. 318-320.

[2] Pinkerton, vol. ii. p. 223. Caligula, b. vi. 380. The Queen of Scots to Surrey.

[3] Caligula, b. iii. 57. Sir William Eure to Surrey. Bedelston, 19th Oct. Pinkerton, vol. ii. p. 224.

these causes the march was slow, and indications of disorganisation early began to exhibit themselves.

Meanwhile tidings arrived that Surrey had assembled his host, which outnumbered Albany by a thousand men; whilst the confidence they expressed in their leader, and the unanimity and discipline by which they were animated, offered a striking contrast to their enemies. The whole army was eager to engage in hostilities; but, till Albany commenced an offensive war, it was reported that Henry's orders confined their commander to defensive operations. This last rumour appears to have revived amongst the Scottish peers their former indisposition to invade England, and suggested the notion that the war might be yet avoided. It happened that the celebrated Buchanan was at this moment a volunteer in the army; and the account of such an eye-witness is highly valuable. On arriving at Melrose, where a wooden bridge was then thrown across the Tweed, murmurs of discontent began to break forth, which all the entreaties and remonstrances of Albany could not remove; and these gathering force, soon proceeded to an open refusal to advance. It was with the greatest difficulty that the regent, putting himself at their head, prevailed upon part of the van of the army to cross the bridge; the rearward obstinately refused to follow;[1] and soon after, the divisions which had passed over turned their backs, and returned to the Scottish side. To struggle against such a determination was impossible; and Albany, disgusted and incensed with the treachery of men whose solemn promises were so easily forgotten, adopted perhaps the only other alternative, and encamping at Eccles, on the left bank of the Tweed, laid siege to Wark castle with his foreign troops and artillery. The description given by Buchanan of this Border fortress is valuable, as, with little variation, it presents an accurate picture of the Scoto-Norman castles of this period. It consisted of a high tower placed within an inner court, and surrounded by a double wall. The outer wall enclosed a large space, within which the country people in time of war sought refuge with their cattle; whilst the inner embraced a narrower portion, and was defended by a fosse and flanking towers. With their characteristic spirit and ready valour, the French easily carried the first court; but the English, setting fire to the booths in which they had stowed their farm produce, smoked the enemy out of the ground they had gained. The artillery then began to batter the inner wall, and effected a breach, through which the men-at-arms charged with great fury; and had they received support from the Scots, there is little doubt the fortress would have been stormed; but, on effecting a lodgement within the court, so destructive a fire was poured in upon them from the ramparts, shot holes, and narrow windows of the great tower, which was still entire, that it was difficult for such a handful of men to maintain their ground. The assault, nevertheless, was continued till night, and when darkness compelled them to desist, it was proposed to renew it next day.[2] But it was now the 4th of November, the winter had set in, and a night of incessant snow and rain so flooded the river, that all retreat was threatened to be cut off. The assaulting party, therefore, recrossed the Tweed with the utmost speed, leaving three hundred slain, of which the greater number were Frenchmen, and once more joined the main body of the army.[3]

While these events occurred, Surrey was at Holy Island; and, on hearing of the attack on Wark castle, he issued orders for his army to rendezvous at Barmore Wood, within a few miles of Wark. The news of his speedy approach confirmed the Scottish nobles in their determination not to risk a battle. So completely had the majority of them been corrupted by the

[1] Buchanan's Hist. of Scotland, b. xiv. c. xxii.

[2] Caligula, b. vi. 304–306. Surrey to the King.

[3] Buchanan, book xiv. c. xxi. xxii. Lesley, Bannatyne edit. p. 125.

money and intrigues of Dacre and the queen-dowager, that Albany did not venture to place them in the front; but, on his march, formed his vanguard of the French auxiliaries,—a proceeding rendered the more necessary by the discovery of some secret machinations amongst the peers for delivering him, if he persisted in urging hostilities, into the hands of the enemy.[1] To attempt to encounter Surrey with his foreign auxiliaries alone, would have been the extremity of rashness; and to abide the advance of the English earl with an army which refused to fight, must have exposed him to discomfiture and dishonour. Under such circumstances, the regent, whose personal courage and military experience had been often tried on greater fields, adopted, or rather had forced upon him, the only feasible plan which remained. At the head of his artillery and foreign auxiliaries, the single portion of the army which had behaved with spirit, he retreated to Eccles, a monastery six miles distant from Wark; and, little able or anxious to conceal his contempt for those nobles who, almost in the presence of the enemy, had acted with so much faithlessness and pusillanimity, he permitted them to break up and disperse amid a tempest of snow,—carrying to their homes the first intelligence of their own dishonour.[2] Such was the result of that remarkable expedition which a historian, whose opinion has been formed upon imperfect evidence, has erroneously represented as reflecting the utmost disgrace upon the courage and conduct of Albany. When carefully examined, we must arrive at an opposite conclusion. The retreat of Albany is only one other amongst many facts, which establish the venality and selfishness of the feudal aristocracy of Scotland, and the readiness with which they consented, for their own private ends, to sacrifice their individual honour and the welfare of the country. Nor, in this point of view, is it unimportant to attend to some remarkable expressions of Surrey, which occur in a letter addressed to his sovereign. They furnish not only an instructive commentary on Henry's alleged anxiety for the welfare of the kingdom of his nephew, but demonstrate the folly of those ideas which, it is probable, guided some of the Scottish leaders,—that an abstinence from hostilities upon their part would be attended by a corresponding moderation on the side of Surrey. That earl observes, that in this expedition he had so much despoiled the south of Scotland, that seven years would not repair the damage;[3] whilst he estimates the English losses sustained by the presence of Albany's army at ten pounds.

On his return to the capital, the governor assembled a parliament, of which the proceedings were distracted by mutual accusations and complaints. The peers accused the regent of squandering the public treasure, although the greater part of the money which he had brought from France had found its way in the shape of pensions into their own coffers, or had been necessarily laid out in the support of the foreign auxiliaries. They insisted on dismissing the French troops, whose further residence was expensive; and, notwithstanding the inclement season of the year, compelled them to embark,—an ungenerous proceeding, which led to the wreck of the transports on the shores of the Western Isles, and the loss of great part of their crews.[4] To Albany, such conduct was mortifying in the extreme; it convinced him that every effort must fail to persuade such men to adopt the only line of conduct which was likely to render the government respected, and to free the country from the dictation of England. He determined, therefore, once more to retire to

[1] Caligula, b. i. 281. Queen Margaret to Surrey, Stirling, 14th November 1523.

[2] Buchanan, b. xiv. c. xxii. p. 228. Ellis's Letters, vol. i. First Series, p. 234. Lord Surrey indulges in somewhat unnecessary triumph on Albany's cowardice and fear in this retreat—as if a general could fight when his officers and soldiers are in mutiny.

[3] "And hath made suche waste and spoil in his own countre, that they shall not recover these seven years."—Surrey to Henry the Eighth. Belford. Caligula, b. vi. p. 306.

[4] Caligula, b. i. 5. Dacre to Wolsey. Morpeth, 28th January.

France; and, in a conference with the nobility, requested three months' leave, in which he might visit that kingdom, and discover what further assistance might be expected from the French king in carrying on the war with England. His demand, after much opposition, was granted, under the condition that, if he did not return on the 31st of August, the league with France and his own regency should be considered at an end:[1] but the various advices and injunctions to which he desired their attention in his absence were received with much distrust, the queen-mother declaring that, if he left the kingdom, she must needs act for herself, and the barons replying in nearly the same terms. A loan of forty thousand crowns was positively refused him, and the lords consented with an ill grace to the high and confidential office of treasurer being given, during his absence,[2] to Gresolles, the same knight who had been added to the council of regency in 1522. These arrangements being completed, and having prevailed on the parliament to intrust the keeping of the king's person to the Lords Cassillis, Fleming, Borthwick, and Erskine, he took an affectionate leave of his youthful sovereign, and sailed for the continent, committing the chief management of affairs to the chancellor, with the Bishop of Aberdeen, and the Earls of Huntly and Argyle.[3] On quitting the kingdom, Albany asserted that his absence would not exceed three months; but it is probable that his repeated reverses in a thankless office had totally disgusted him, both with Scotland and the regency, and that, when he embarked, it was with the resolution, which he fulfilled, of never returning to that country.

CHAPTER VIII.

JAMES THE FIFTH.

1524—1528.

FOR the last two years the Earl of Angus, who had formerly shewn himself so cordial a friend of England, had resided in France, whence Henry the Eighth, desirous of employing him in his designs for embroiling the government of Albany, had secretly called him into his dominions. It was now esteemed the moment when his presence in Scotland might once more reinstate the English faction, which had been long gaining strength, in undisputed power; and the earl, whose foreign residence had increased his experience and talent, but not improved his patriotic feelings, at once lent himself to the projects of Henry. During his banishment, he had corresponded with that monarch; although an exile, he had made himself master of the political divisions and intrigues by which the kingdom was distracted; and having agreed upon his plan of operations, he accelerated his preparations for his return to his native country. Before, however, this project could be put into execution, the departure of the regent had given rise to a revolution, which, for a season, totally changed the aspect of public affairs. In this the chief actors were

[1] Ellis's Letters, vol. i. p. 247, First Series.

[2] Lord Dacre to Cardinal Wolsey. 31st May 1524. Ellis's Letters, vol. i. p. 240. First Series

[3] Lesley, p. 128.

Margaret the queen-dowager and the Earl of Arran, whilst its sudden and startling success seems to prove that the project had been gradually matured, and only waited for the departure of Albany to bring it into effect. The young king had now entered his thirteenth year, and already gave promise of that vigour of character which afterwards distinguished him. His mother, no longer controlled by the presence of a superior, determined to place him upon the throne; a scheme which, by the assistance of England, she trusted might be easily accomplished; whilst Henry was ready to lend himself to the design, from the persuasion that the royal power, though ostensibly in the king, would be truly in the hands of a council overruled by England. Surrey therefore remained in the north to overawe any opposition by the terror of an immediate invasion; and Margaret, having gained to her interest the peers to whom the person of the sovereign had been intrusted, suddenly left the palace of Stirling, and, accompanied by her son and a small retinue, proceeded to Edinburgh, which she entered amid the joyful acclamations of the populace. The procession, which, besides the queen-mother and her train, consisted of the Earls of Arran, Lennox, Crawford, and others of the nobility, moved on to the palace of Holyrood, where a council was held, the king declared of age, and proclamations instantly issued in his name. He then formally assumed the government, the peers tendered their oaths of allegiance, and many, as well of the spiritual as temporal estate, entered into a solemn agreement, by which they abjured the engagements which had been made to Albany, declared his regency at an end, and promised faithfully to maintain the supreme authority of their sovereign against all who might dare to question it.[1]

Against this extraordinary act, of which the real object on the part of Henry could not be concealed, and over which the capricious character of the queen, alternately swayed by the most violent resentments or partialities, threw much suspicion, the only dissentient voices were those of the Bishops of St Andrews and Aberdeen. They contended that to confer the supreme power upon a boy of twelve years old was ridiculous; that to remove him from the governors to whom his education had been intrusted, and plunge him at once in his tender years into the flatteries and vices of a court, must be certain ruin; and they reminded the nobles of their promises so lately pledged to the Duke of Albany, to whom the regency at this moment unquestionably belonged. For this bold and honest conduct they were by the queen's party immediately committed to prison; nor could the offer from Wolsey of a cardinal's hat induce Beaton to renounce his promises to Albany, or become the tool of England.[2] The news of the success of this revolution, which in its rapidity had anticipated the wishes of Henry, was received with the utmost satisfaction in England.[3] A guard of two hundred men-at-arms was immediately sent by that monarch, at the queen's request, for the security of the person of the young king; whilst, as a token of his complete approval of her conduct, and an earnest of future favours, Margaret received a present of two hundred marks, and Arran a hundred pounds. In return, she earnestly remonstrated against Henry's permitting the return of Angus into Scotland, not without a threat that, should her request be overlooked, she would find another support than that

[1] Pinkerton, vol. ii. p. 238. Lesley, p. 129. Caligula, b. vi. 378. Profession of obedience by the Lords of Scotland. Edinburgh, 31st July 1524.

[2] Pinkerton, vol. ii. p. 241. Caligula, b. vi. 353. Wolsey to the Duke of Norfolk. Hampton Court, August 19, 1524.

[3] State Papers, p. 150. The letter written to Henry in the name of the young king, informing him of his assumption of the government, was sent by Patrick Sinclair, whom Wolsey denominates a right trusty servant of James, and at the same time describes as a spy of Dr Magnus, and a constant friend of England. Such was the character of this revolution. George Shaw, another personal servant of James, was a spy of Norfolk.—Norfolk to Wolsey, 19th September 1524. Caligula, b. vi. 362, dorso.

of England. She demanded, at the same time, a pension and the order of the garter for Arran, and declared that without greater supplies it would be impossible for her to defray the charges of the government.

In the meantime a full account of these changes was transmitted by Gresolles, the captain of Dunbar, to the Duke of Albany, and a truce having been concluded for three months with England, it was determined that Dr Magnus, a person of great acuteness and diplomatic experience, should proceed as ambassador to Scotland. He was accompanied by Roger Ratcliffe, a gentleman of the privy-chamber, whose agreeable and polished manners would, it was expected, have a favourable influence on the young king.

In the midst of these transactions, the sincerity of the queen became suspected. Her late demands were considered too peremptory and covetous, and the countenance shewn to Angus at the English court in no small degree alienated her affections from her brother; nor was her personal conduct free from blame. With a volatility in her passions which defied the voice of reproof or the restraints of decency, she had now become enamoured of Henry Stewart, the second son of Lord Evandale, and in the ardour of her new passion, raised him to the responsible office of treasurer. The people had hitherto regarded her with respect, but they no longer restrained their murmurs: Lennox and Glencairn, who had warmly supported her in the late revolution, left the capital in disgust; and Arran, who had never ceased to look to the regency of Scotland as his right, and in whose character there was a strange mixture of weakness and ambition, though he still acted along with her, held himself in readiness to support any party which promised to forward his own views.

Whilst this earl and the queen continued to receive the money of England for the support of the guards and the maintenance of their private state, they deemed it prudent to open a negotiation with Francis the First, then engaged in preparations for his fatal expedition into Italy. That monarch received their envoy with distinction; professed his anxiety to maintain the ancient alliance between the kingdoms; reminded them of the intended marriage between the Scottish king and his daughter, and declared that Angus having secretly escaped from his dominions, without asking his permission or that of Albany, was undoubtedly animated by hostile intentions, and ought to be treated as a fugitive and a rebel.[1] He addressed also a letter to the queen, in which he besought her to adopt such measures as must secure the true interests of her son. But Margaret's blinded attachment to Henry Stewart, upon whose youth she had now bestowed the high office of chancellor, and Arran's devotion to his own interests, effectually estranged from both the attachment of the nobles, who found themselves excluded from all influence in the government. They indeed, as well as the queen, were in the pay of England; and to such a degree of organisation had the system of bribery and private information been carried, that whilst the Duke of Norfolk maintained his spies even in the palace of the king, the original correspondence of the period presents us with the exact pensions allowed to the Scottish adherents of the English court, from the queen and Arran to the lowest agent of this venal association.[2] Amongst the principal were Arran, Lennox, and the Master of Kilmaurs, afterwards Earl of Glencairn, a nobleman who thus early began to make a profitable trade of his attachment to England. The faction, however, contained within itself the seeds of its disunion; for whilst the queen and Arran dreaded the power of Angus, and warmly remonstrated against his return, the peers of the party who found themselves neglected in the administration looked to this event as the most probable means of

[1] Caligula, b. vi. 411. Instructions à l'ambassadeur du Roy d'Escosse.

[2] Pinkerton, vol. ii. p. 246. Caligula, b. i. 70. Robert Lord to the Lord Cardinal. Ibid. 222.

recovering the importance which they had lost. It was in this state of things that Wolsey, who began to find that Margaret and Arran would not be sufficiently subservient to England, entered into a secret agreement with Angus,[1] in which that peer, on condition of his being permitted to enter Scotland, stipulated to support the English interest in that country and the government of James, equally against the open hostility of Albany, and the intrigues of the faction of the queen, which, from the venality and insolence of its measures, seemed to be rapidly hastening its ruin. An attempt was first made to reconcile Margaret to her husband, which completely failed; and symptoms appearing of a coalition between the party of Albany and that of Arran and the queen, Angus was no longer detained by Henry; but, after an exile of two years, with increased ambition and exalted hopes, he returned to his native country. At the same time, the English ambassadors, Dr Magnus and Ratcliffe, arrived at the capital; and a complicated scene of intrigue and diplomacy commenced, into the minuter particulars of which it would be tedious to enter.

The scene which presented itself was indeed pitiable. It exhibited a minor sovereign deserted by those who owed him allegiance and support, whilst his kingdom was left a prey to the rapacity of interested councillors, and exposed to the attacks of a powerful neighbour, whose object it was to destroy its separate existence, and reduce it to the condition of a dependent province.

When we look more narrowly into its condition, we find that three great parties or factions at this moment distracted the minority of James. The first was that of Albany the late regent, supported by the influence of France, and conducted during his absence by the talents and vigour of the Chancellor Beaton; of the second, the leaders were the Earl of Arran and the queen-mother, in whom the present power of the state resided, and who possessed the custody of the king's person; whilst at the head of the third was Angus, who had sold himself to the English government. The secret treaty, however, between this peer and Henry, was unknown in Scotland; and so great was the affection of the people for the house of Douglas, with whose history they associated so much chivalrous enterprise and national glory, that on his arrival in his native country, he was received by all ranks with joy and enthusiasm. Meanwhile Wolsey's jealousy of the Queen of Scots became confirmed, when he found that the Bishop of Aberdeen and the Chancellor Beaton were set at liberty, and perceived the party of Albany once more rising into a dangerous importance.

Such was the state of affairs on the arrival of Angus in Scotland, and his improvement in judgment was seen by the moderation of his first measures. He addressed to the queen a submissive letter, professing his attachment to his sovereign, and his anxiety to do him service; he abstained from shewing himself at court; and, although able to command an army of vassals, he travelled with a modest retinue of forty horse, in obedience to an order of the government. These quiet courses, however, produced no effect on Margaret, whose ancient love to Angus had long before this turned into determined hatred, whilst, with a contempt of all decency, she made no secret of her passion for Henry Stewart, intrusting to his weak and inexperienced hands the chief guidance of affairs. Magnus, the English ambassador, attempted, but with equal want of success, to effect a reconciliation between her and her husband. The continuance of the pensions, the support of the English guard of honour, the present of a considerable sum for the exigencies of the moment, and lastly the promise of a matrimonial alliance between her son and the princess Mary, were artfully held out as inducements to consent to a pacification and to

[1] Caligula, b. vi. 395. Articles of Agreement, dated October 4, 1524; signed by Angus, and his brother George Douglas.

abandon her opposition to Angus. Margaret was immovable, and, avowing her venality, she did not scruple to assign as her chief motive, that in the event of a treaty of peace with England, the kingdom, by which we may understand herself and Arran, would lose the annual remittance of Francis, which amounted to forty thousand francs.[1] Thus thwarted in his application to the queen, Magnus, who, in the complicated parties and interests by which he was surrounded, required the exertion of his whole diplomatic talents, began to sound the peers, and not only found that there was no insurmountable impediment to the reconciliation of Angus and Arran, but that even Beaton the chancellor, the leader of the party of Albany, evinced, though we may suspect his sincerity, no unfavourable disposition to England.[2] The late regent's continued absence in France, and the vanity of expecting any active co-operation from the French monarch, then occupied with his campaign in Italy, had greatly weakened the influence of Albany, and the great body of the nobility detested the government of the queen. It was determined, therefore, that a sudden blow should be struck, which might at once punish her obstinacy, and insure the pre-eminence of the English interest.

A parliament having assembled at Edinburgh, the distracted condition of the government, and the expediency of an immediate embassy to England preparatory to a general peace, came before the three estates. In one measure all parties seemed to agree. Albany's regency, in consequence of his continued absence, was declared at an end, and a committee of regency appointed. It consisted of the Chancellor Beaton, the Bishop of Aberdeen, and the Earls of Arran and Argyle, whilst, apparently to lull the suspicions of the queen, she was declared chief in this council. Such was the state of matters, and the parliament had now sat for a week, when, on the 23d of November, before daylight, an alarm was heard at the walls of the capital, and a party of armed men, fixing their scaling-ladders on the parapet, made good their entrance into the town, after which, with shouts and acclamations, they opened the gates to their companions. It was now discovered that this force, which amounted only to four hundred men, was led by the Earls of Angus and Lennox; Scott of Buccleuch, the Master of Kilmaurs, and other chiefs, had joined them; and as daylight broke they advanced fearlessly to the cross, and proclaimed that they came as faithful subjects to the king's grace; they next proceeded to the council of regency, which had assembled in great alarm, and repeating the same assurance, declared that the young king was in the hands of evil-disposed persons, who were compassing their ruin and that of the whole nobility; wherefore they required them to assume the custody of their monarch, and exercise the chief rule in the government.[3] During these proceedings the castle, which was in the hands of the queen's party, began to open its fire upon the town with the object of expelling Angus; and in the midst of the thunder of its artillery, and the shouts of the infuriated partisans, a deputation, consisting of the Bishop of Aber-

[1] Caligula, b. i. 285-290 inclusive. The Queen of Scots to the Duke of Norfolk. Pinkerton, vol. ii. p. 248.

[2] Caligula, b. vi. 333. Dr Magnus and Roger Ratcliffe to Wolsey. Edinburgh, 15th November. In this letter there is a fine description of James V. when a boy of thirteen: —"The quenes saide grace hath had vs furth to solace with the kingges grace here, at Leeth and in the feildes, and to see his saide grace stirre his horses, and renne with a spere amongges other his lordes and seruauntes at a gloove, and also by the quenes procuring we haue seen his saide grace vse hym selff otherwise pleasauntly booth in singging and daunsing, and shewing familiaritye amongges his lordes. All whiche his princely actes and doingges be soe excellent for his age not yet of xiii. yeres till Eister next, that in our oppynnyons it is not possible thay shulde be amended. And myche moore it is to our comforte to see and conceiue that in personnage, favor, and countenaunce, and in all other his procedingges, his grace resembleth veray myche to the kingges highnes [Henry VIII.] our maister."

[3] Magnus and Roger Ratcliffe to the Lord Cardinal. Edinburgh, 26th Nov. Cal. b. i. 121. Lesley, p. 131.

deen, the Abbot of Cambuskenneth, and Magnus, the English ambassador, hurried to the palace, where they found the queen, and some lords of her party, denouncing vengeance against Angus, and mustering a force of five hundred men, with which they proposed to assault him. On their arrival Margaret consented to receive the bishop and his associate, but she peremptorily ordered Magnus to begone to his lodging, and abstain from interfering in Scottish affairs,—a mandate which that cautious civilian did not think it prudent to disobey. Meanwhile the fire of the fortress continued, and the peaceful citizens fell victims to the unprincipled efforts of two hostile factions. The conduct of Angus, however, was pacific; his followers abstained from plunder; no blood was shed, although they met with various peers with whom they were at deadly feud; and upon a proclamation, commanding him, in the king's name, to leave the city, he retired to Dalkeith towards dusk. After dark the queen, taking with her the young king, proceeded by torchlight to the castle, and dismissing all the lords except Moray, who was devoted to the French interest, shut herself up in the fortress, and meditated some determined measures against her enemies.[1] Although there is no decisive evidence of the fact, there appears a strong presumption that this attack upon the queen was preconcerted by English influence, and probably not wholly unexpected by Beaton the chancellor. Magnus indeed, in writing to the cardinal, represents it as unlooked for by all parties, but there exists a letter from the Earl of Rothes, which seems to throw a doubt upon the sincerity of his ignorance.[2] It was probably a contrivance of the chancellor to try the strength and judgment of Angus, and its consequences were important, for it led to a coalition between this potent prelate, generally esteemed the richest subject in Scotland, and the Douglases, whose extensive possessions and vassalage placed them at the head of the Scottish aristocracy.

Alarmed at so sudden a turn of affairs, the queen and Arran hastened to appease Henry by an embassy, of which the purpose was to treat of an immediate pacification, upon the basis of the proposed marriage between the young king and the princess Mary.[3] As a further means of accomplishing this, Marchmont herald was despatched to France, with the announcement that the regency of Albany had been formally declared at an end, and a remonstrance was addressed to Francis against the injurious consequences which too steady an attention to his interests had brought upon the commerce of Scotland.[4] These measures, if adopted some time before this, might have been attended with the recovery of her influence by the queen; but they came too late; their sincerity was suspected; and although Margaret continued to retain possession of the king's person, whom she kept in the castle of Edinburgh, the Earl of Angus and the chancellor Beaton already wielded an equal if not a superior authority, and had succeeded in attaching to themselves not only the great majority of the nobility, but the affections of the citizens; they were supported also by the English influence; and it became at length evident to the haughty spirit of the queen, that to save the total wreck of her power in Scotland, she must consent to a reconciliation with her husband, and a division of the power which she had abused, with those

[1] The letter above quoted, in which Magnus and Ratcliffe give an account of this affair, is interesting and curious. "The queen's grace taking with her the young king, her sonne, departed in the evening by torchlight from the abbey to the castell, and ther contynueth, all the lordes being also departed from hence, but only the Erle of Murray fully of the Frenche Faction, and newly comen into favor with the queen's said grace; and as we her, the said erle, and one that was the Duke of Albany's secretary, begyne to compass and practyse newe thynges as muche to the daunger of the said younge kinge as was at the Duk of Albany's being here." Caligula, b. i. 121, dorso

[2] Pinkerton, vol. ii. p. 254. Caligula, b. i. 81.

[3] Caligula, b. vi. 191, dorso.

[4] Epistolæ Reg. Scot. i. 351-356.

who were entitled to a share in the government.

The situation of the country, which was the theatre of constant rapine and assassination, called loudly for a settled administration; the nation were disgusted with the sight of two factions who fulminated against each other accusations of treachery and rebellion, Such was the prodigality of the queen, who squandered the royal revenues upon her pleasures, that when the English monarch withdrew the pensions which had hitherto supported her administration, and recalled the guard which waited on the sovereign, the necessities of the state became urgent, and the palace and the court were left in poverty. Under such circumstances, it was absolutely necessary that some decisive step should be adopted by Angus and the chancellor; and in a meeting of the principal lords of their party, held at St Andrews, a declaration was drawn up which called upon all who were interested in the good of the common weal to interfere for the establishment of its independence and that of the young king. They represented the sovereign as imprisoned by an iniquitous faction in an unhealthy fortress, exposed to the unwholesome exhalations of the lake by which it was surrounded, and incurring additional danger from the reiterated commotions of the capital.[1] They protested that no letters or orders of the king ought to be obeyed until promulgated by a council chosen by the parliament, and they summoned a convention of the three estates to meet on the 6th of February, at Stirling.

These were bold measures; but the queen determined to make yet one effort for the confusion of her enemies. She appealed to England, flattered Henry by a pretended acquiescence in his designs, urged the accomplishment of the marriage between her son and the princess, and earnestly requested the advance of the Duke of Norfolk with ten thousand men to the Borders; she next assembled the few peers who remained with her in the castle, expatiated on the arrogance of their opponents, and implored them to raise their followers, and give battle to the enemy; but Henry suspected her sincerity, the peers dreaded the insolence of her new favourite, Henry Stewart; and she discovered, with the deepest mortification, that from neither could she expect anything like cordial support. She submitted, therefore, to the necessity of the case, and agreed to a conditional reconciliation with her husband,[2] the terms which she was permitted to dictate being more favourable than from her dependent situation might have been expected. Her first stipulation evinced the inveteracy of her feelings against Angus, who, upon pain of treason, she insisted should not assume any matrimonial rights, either over her person or her estate; the king, her son, she agreed to remove from the castle to a more salubrious and accessible residence in the palace of Holyrood; the custody of his person was to be intrusted to a council of peers nominated by the parliament, and over which the queen was to preside;[3] the patronage of all the highest ecclesiastical benefices was to belong to a committee of the nobles, amongst whom Margaret was to be chief, whilst all benefices below the value of a thousand pounds were to be placed at her sole disposal. Upon these conditions the pacification between the two parties was concluded, and Angus, supported by the chancellor Beaton, who was now the most influential man in Scotland, resumed his authority in the state.

Magnus, the acute minister of Henry, had from the first suspected the sin-

[1] Caligula, b. vi. 394. Articles concluded between my Lord Cardinal's Grace and the Earl of Anguish. 25th January 1524, *i.e.*, 1524-5. It commences thus:—"We dou you to witt, that for as mekill as it is understandin be the weill avisit lordis of oure soveran lordis counsaill, they seand daily slaughteris, murtharis, reiffis, theftis, depredationis, and heavy attemptates that ar daily and hourly committit within this realme in falt of justice, our soveran lord beand of less age," &c.

[2] Magnus to Wolsey. Edinburgh, 22d Feb. 1524-5. Caligula, b. ii. 59-61. Lesley, p. 132.

[3] Acts of the Parliament of Scotland, vol. ii. p. 289 22d Feb. 1524-5.

cerity of the queen, and within a short period her duplicity was completely detected.[1] The very day on which the agreement with the peers and her husband was concluded, she opened a secret negotiation with Albany, acknowledged his authority as regent, professed a devotion to the interests of France, denounced as ignominious the idea of a peace with England, declared that she would leave Scotland sooner than consent to a sincere reconciliation with Angus, and eagerly requested the interest of Francis and Albany to accelerate at the Roman court her process of divorce. For such conduct, which presented a lamentable union of falsehood and selfishness, no apology can be offered; and it is satisfactory to find that it met with its reward in almost immediate exposure and disappointment. Her letters were intercepted and transmitted to England, and the French monarch long before they could have reached him was defeated and made prisoner in the battle of Pavia.[2]

A minute account of the continued plots and intrigues which for some time occupied the adverse factions would be equally tedious and uninstructive. Nothing could be more unhappy than the condition of Scotland, torn by domestic dissension, exposed to the miseries of feudal anarchy, with a nobility divided amongst themselves, and partly in the pay of a foreign power; a minor monarch, whose education was neglected, and his caprices or prepossessions indulged that he might be subservient to his interested guardians; a clergy, amongst whom the chief prelates were devoted to their worldly interests; and a people who, whilst they groaned under such manifold oppressions, were yet prevented by the complicated fetters of the feudal system from exerting their energies to obtain redress. All was dark and gloomy, the proposal of a lengthened peace with England, and a marriage between the king and the princess Mary, appeared to be the single means which promised to secure anything like tranquillity; and this measure, if guarded so as to prevent a too exclusive exertion of foreign influence, might have been attended with the happiest results; yet such was the infatuation of the queen-mother, that she gave the match her determined opposition, and, by her influence with her son, implanted an aversion to it in his youthful mind.

It was not to be expected that the characteristic impetuosity and haughtiness of Henry should brook such conduct, and he addressed to his sister a letter so replete with reproaches, that, on perusing it, she burst into tears, and bitterly complained that the style of the king was more fit for some vulgar railer, than to be employed by a monarch to a noble lady.[3] Yet, terrified by its violence, and convinced that her partisans were gradually dropping away, she replied in a submissive tone. So deep, indeed, were her suspicions of Angus and the chancellor, with whom she had lately entered into an agreement, that she refused to trust her person in the capital, where her presence in a parliament was necessary as president of the Council of State; and as the recent truce with England could not be proclaimed without her ratification, the country was on the point of being exposed to the ravages of Border war. It was, therefore, determined that the deed should be effectual without this solemnity, and, irritated by this last indignity, she attempted a secret negotiation with the queen-mother of France, who, upon the captivity of her son in the battle of Pavia, had succeeded to the regency. Even this resource failed her, for by this time Wolsey had quarrelled with the emperor, and according to those selfish views by which his public policy was often directed, had prevailed upon his royal master to conclude a treaty with France,—a deathblow to the hopes of the Scottish queen, and the prospects of the French faction. In the proceedings of the same parlia-

[1] Caligula, b. ii. 61.

[2] Caligula, b. vi. 416. A packet of letters sent from the Duke of Albany to his factor at Rome intercepted within the Duchy of Milan.

[3] Caligula, b. vii. 3. Letter of Magnus to Wolsey, Edinburgh, 31st March.

ment there occurs a strong indication of the increase of the principles of the Reformation; and we learn the important fact that the books of Luther had made their way into Scotland, and excited the jealousy of the Church. It was enacted that no merchants or foreigners should dare to bring into the realm, which had hitherto firmly persevered in the holy faith, any such treatises, on pain of imprisonment and the forfeiture of their ships and cargoes; and it was enjoined that all persons who publicly professed such doctrines should be liable to the same penalties.[1]

An embassy now proceeded to England, a truce of three years was concluded; and whilst the queen-mother retained merely a nominal authority, the whole of the real power of the state gradually centred in Angus and the chancellor. A feeble attempt was indeed made by Arran to prevent by force the ratification of the truce; and for a moment the appearance of a body of five thousand men, which advanced to Linlithgow, threatened to plunge the country into war; but the storm was dissipated by the promptitude of Douglas. Taking the king along with him, and supported by the terror of the royal name, he instantly marched against the rebels, who, without attempting to oppose him, precipitately retreated and dispersed.[2]

At this moment the country, so long distracted by the miseries of Border war and internal anarchy, enjoyed something like a prospect of tranquillity. A pacification of three years had been concluded with England;[3] and this was an important step towards the marriage which had been lately contemplated between the young king and the princess Mary. The alliance between England and France had destroyed, for the moment, the French party in Scotland, and removed that fertile source of misery which arose to that country out of the hostilities of these great rivals; the anxiety of Henry to accomplish a reconciliation between Angus and his sister the queen was sincere; and if Margaret had consented to a sacrifice of her private feelings, it would have probably been attended with the best effects. Magnus, whose prolonged residence in the capital as the envoy of England was disliked by the people, had, by his departure, removed this cause of enmity; and the able Lord Dacre, whose intrigues for so many years had sown disunion and treachery amongst the nobles, and defeated every exertion of the well-affected to promote peace and good government, was removed by death from the stormy element in which he had presided.[4]

Everything, therefore, seemed to promise repose; but this fair prospect was defeated by the obstinacy of the queen-mother, and the towering ambition of Douglas. Blinded by her attachment to Stewart, Margaret would not for a moment listen to the proposal of a reunion with her husband; and he, who desired it not from any affection, but with the motive of possessing himself of her large estates, renounced all desire of reconciliation the moment he discovered that the council would withhold their consent from such a project. The divorce accordingly was pronounced with that mischievous facility which marked the prostitution of the ecclesiastical law; and scarcely was the sentence passed when Margaret precipitately wedded her paramour, Henry Stewart, who disdained to ask the consent of the king, or to communicate the event to his chief ministers. Incensed at this presumption in

[1] Acts of the Parliament of Scotland, vol. ii. p. 295.

[2] Pinkerton, vol. ii. p. 271. Lesley, p. 133.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 296, 297.

[4] This able and busy lord, whose MS. correspondence, first opened by the acute Pinkerton, presents the most interesting materials for the history of this period, is entitled to the equivocal merit of being the inventor of that policy which was afterwards carried to perfection by the sagacious Burleigh under Elizabeth: the policy of strengthening the government of his sovereign by the organised system of corruption, bribery, and dissensions, which he encouraged in the sister kingdom; he died 25th October 1525. Pinkerton informs us the estates of Dacre afterwards passed by marriage to the Howards, earls of Carlisle. It is possible, therefore, that in the papers of that noble house, there may be some of Lord Dacre's manuscripts.

an untitled subject, the lords of the council, in the name of the king, sent Lord Erskine with a small military force to Stirling, where the queen resided; and the princess was compelled to deliver up her husband, who submitted to the ignominy of a temporary imprisonment.[1]

Hitherto the great object of Angus had been to accomplish a reconciliation with the queen, and, possessing her influence and estates, with the custody of the king's person, he thus hoped to engross the supreme power. This scheme was now at an end, and its discomfiture drove him upon new and more violent courses. His authority in the capital, and throughout the whole of the south of Scotland, was immense; since the marriage of the queen, he had effected a union with Arran and his adherents,—a party which, in feudal dignity and vassalage, was scarcely inferior to his own; he was warden of the marches, an office of great authority; and his place as one of the council of state gave him, according to the act of a recent parliament, a command over the person of the young king, which he had employed with great success to win his boyish affections. The party of Albany had gradually disappeared; the queen since her marriage had fallen into contempt: Lennox, one of the most powerful of the peers, had become a firm ally of Angus; and nothing but the authority of the secret council, which resided chiefly in the Chancellor Beaton, stood between the earl and the entire command of the state. In these circumstances, an artful stroke of Douglas's enabled him at once to reach the summit of his ambition.

The king had now completed his fourteenth year, a period when, by the law of the country, his majority as an independent sovereign commenced. The event took place in April, and between this period and the month of June, Angus appears to have matured his plans. On the 13th of that month, a parliament assembled at Edinburgh, and an ordinance was suddenly passed which declared that the minority of the sovereign was at an end; that the royal prerogative now rested solely in the hands of the king, who had assumed the government of the realm, and that all other authority which had been delegated to any person whatever was annulled;[2] a measure against which, as it was founded apparently on the most substantial legal grounds, neither the chancellor nor the secret council could protest, but which in one moment destroyed their power. But although the statute which gave the powers of the government to the secret council was annulled, the act of the three estates, which intrusted the keeping of the king's person to certain peers in rotation, remained in force,—of these, Angus was one; and this crafty statesman had taken care to convene the parliament at the precise time when, by a former act, it belonged to himself and the Archbishop of Glasgow to assume the guardianship of the king, so that this new resolution of the three estates evidently placed the supreme power in the hands of him who had the custody of the sovereign. It was an able stroke of policy, but it could not have occurred under any other than a feudal government.

To mask this usurpation, a new secret council was appointed, consisting chiefly of the friends of Angus, and including the Archbishop of Glasgow, the prelates of Aberdeen and Galloway, the Earls of Argyle, Morton, Lennox, and Glencairn, with the Lord Maxwell, whose advice, it was declared, his grace the sovereign will use for the welfare of the realm; but it was shortly perceived that their authority was centred in Angus alone, and that it was to be wielded with no mild or impartial sway. One of their first acts was to grant a remission to themselves for all crimes, robberies, or treasons, committed by them during the last nineteen years;[3] and within a few months

[1] Lesley, p. 133. Caligula, b. vii. 29. Sir William Dacre to Wolsey, 2d April 1525.

[2] Acts of the Parliament of Scotland, vol. ii. p. 301. Crawford's Officers of State, pp. 67, 68.

[3] Acts of the Parliament of Scotland, vol. ii. p. 307. This remission the Douglases afterwards pleaded in 1528. Acts of Parliament, vol. ii. p. 323

there was not an office of trust or emolument in the kingdom which was not filled by a Douglas, or by a creature of that house: Archibald Douglas of Kilspindy was made high-treasurer; Erskine of Halton, secretary; Crichton, abbot of Holyrood, a man wholly devoted to the interests of Angus, privy-seal; and, to crown the whole, the earl sent a peremptory message to Beaton, requiring him to resign the great seal, which this prelate not daring to disobey, he without delay installed himself in the office of chancellor.

The ancient tyranny of the house of Douglas now once more shot up into a strength which rivalled or rather usurped the royal power; the Borders became the scene of tumult and confusion, and the insolence of the numerous vassals of this great family was intolerable. Murders, spoliations, and crimes of varied enormity were committed with impunity. The arm of the law, paralysed by the power of an unprincipled faction, did not dare to arrest the guilty; the sources of justice were corrupted, ecclesiastical dignities of high and sacred character became the prey of daring intruders, or were openly sold to the highest bidder, and the young monarch, who was watched with the utmost jealousy and rigour, began to sigh over a captivity, of which he could not look for a speedy termination.

Such excesses at length roused the indignation of the kingdom; and Lennox, one of the most honest of the peers, secretly seceded from Angus. It was now the middle of summer, and as the Armstrongs had broken out into their usual excesses on the Borders, Angus, with the young king in his company, conducted an expedition against them, which was attended with slight success. Before this, however, James had contrived to transmit a secret message to Lennox and the laird of Buccleuch, a potent vassal of that house, which complained bitterly of the durance in which he was held by the Douglases; and as the royal cavalcade was returning by Melrose to Edinburgh, Walter Scott of Buccleuch suddenly appeared on a neighbouring height, and, at the head of a thousand men, threw himself between Angus and the route to the capital.[1] Douglas instantly sent a messenger, who commanded the Border chief, in the royal name, to dismiss his followers; but Scott bluntly answered that he knew the king's mind better than the proudest baron amongst them, and meant to keep his ground, and do obeisance to his sovereign, who had honoured the Borders with his presence.[2] The answer was meant and accepted as a defiance, and Angus instantly commanded his followers to dismount; his brother George, with the Earls of Maxwell and Lennox, forming a guard round the young king, retired to a little hillock in the neighbourhood, whilst the earl, with Fleming, Home, and Ker of Cessford, proceeded with levelled spears, and at a rapid pace, against Buccleuch, who also awaited them on foot. His chief followers, however, were outlawed men of the Borders, whose array offered a feeble resistance to the determined charge of the armed knights belonging to Angus; the conflict accordingly was short, eighty of the party of Buccleuch were slain, the chief was compelled to retire; and, on the side of the Douglases, the only material loss was the death of Cessford, a brave baron, who was lamented by both parties.[3]

Not long after this, another and more determined effort to rescue the king from his ignominious thraldom was made by Lennox, who, it was privately suspected, had encouraged the attempt of Buccleuch. Having leagued himself with the chancellor and the queen, this nobleman advanced to Stirling at the head of an army of ten thousand men, whilst, with the hope of conciliating his hostility, the Douglases despatched against him his uncle Arran, who commanded a superior force. The mission, however, was vain: Lennox declared that he would enter the capital, and rescue his sove-

[1] Lesley, p. 134.
[2] Acts of the Parliament of Scotland, vol. ii. p. 330.
[3] Ibid. p. 312.

reign, or die in the attempt. Arran instantly despatched a messenger to Angus, then at Edinburgh; who, commanding the trumpets to sound, displayed the royal banner, and, unable to restrain his impatience, pushed on towards Linlithgow, leaving the king to follow, under the charge of his brother, Sir George Douglas. It was on this occasion that a slight circumstance occurred which produced afterwards important effects, and marked the ferocious manners of the times. The young monarch, who was fond of Lennox, and knew that he had taken arms from affection to his person, advanced slowly and unwillingly, and was bitterly reproached for his delay by Douglas. On reaching Corstorphine the distant sound of the artillery announced the commencement of the battle, and his conductor urging speed, broke into passionate and brutal menaces. "Think not," said he, "that in any event you shall escape us—for even were our enemies to gain the day, rather than surrender your person, we should tear it into pieces;" a threat which made an indelible impression on the royal mind, and was never forgiven.[1] Meanwhile the action had commenced; and Arran having, with considerable military skill, seized the bridge across the river Avon, about a mile to the west of Linlithgow, Lennox found himself compelled to attempt a passage at a difficult ford, opposite the nunnery of Manuel,—an enterprise by which his soldiers were thrown into disorder, and exposed to a severe fire from the enemy. Yet they made good their passage, and some squadrons, as they pressed up the opposite bank, attacked the army of Arran with great gallantry; but their array had been broken, they found it impossible to form, and were already giving way, when the terrible shout of "Douglas," rose from the advancing party of Angus, and the rout became complete.[2] Lennox himself fell amongst the foremost ranks, and Arran, a man of a gentle and affectionate nature, was found kneeling beside the bleeding body of his uncle, which he had covered with his cloak, and passionately exclaiming that the victory had been dearly purchased by the death of the wisest and bravest knight in Scotland.[3] The triumph of Angus was great; his power was consolidated by the total failure of the coalition against it, and the chains of the young king appeared more firmly riveted than ever.

It was hardly to be expected that the Douglases would use their success with moderation, or neglect the opportunity it offered to destroy effectually the power of their enemies. They accordingly made a rapid march to Stirling, with the intention of seizing the queen and the chancellor; but both had fled, and Beaton found the pursuit so hot, that he was compelled for some time to assume the disguise of a shepherd, and to conceal himself in the mountains till the alarm was over.[4] The distress of the young king was great on hearing of the death of Lennox, and it rose to a feeling of the deepest resentment, when he discovered that after he had surrendered, he was murdered in cold blood by Hamilton, the bastard of Arran, a ferocious partisan of Angus. On hearing that the day was going against him, James had sent forward Sir Andrew Wood, with earnest entreaties that his life might be spared, but in the rejoicings for their victory, his humanity was treated with derision by the Douglases, whose triumph soon after seemed complete, when Henry the Eighth despatched his letters to offer them his congratulations on their late successes, with his best advice for the education of his nephew, and the entire destruction of their enemies.[5]

Upon this last point Angus scarcely needed instruction; and having convoked a parliament, he proceeded, with no gentle hand, to the work of spoliation and vengeance. It was first declared, that his and Arran's proceedings in the late rebellion of Lennox,

[1] Buchanan, xiv. 28.
[2] Lesley, p. 136.
[3] Lindsay, 215.
[4] Ibid. 217.
[5] Caligula, b. vii. 67, 69. Sir Thomas More to Wolsey, 21st Sept.

were undertaken for the good of the king, and the safety of the commonwealth; and this act was followed by the forfeiture of the estates of the insurgent lords. To Arran were presented the lands of Cassillis and Evandale; to Sir George Douglas the estate of Stirling of Keir, who had been slain; whilst Angus took for himself the ample principality of Lord Lindsay, and the lands of all the eastern and northern barons who had supported Lennox. To the queen-mother, for whom the king had become a suppliant, he behaved with moderation. She was invited to the capital, welcomed on her approach by her son, who met her with a numerous retinue, permitted to converse with him familiarly, and received with courtesy by Angus,—a conduct adopted out of respect to Henry the Eighth, and which shewed that her power was at an end; Beaton the chancellor had, in the meantime, by large gifts and the sacrifice of the abbey of Kilwinning, made his peace with his enemies, and counted himself happy in being permitted to retire from court; whilst Arran, the successful colleague of Angus, becoming a prey to the most gloomy remorse for the death of Lennox, shut himself up in one of his castles, and declined all interference in matters of state. The government was thus abandoned to an undivided despotism, and the tyranny of the house of Douglas became every day more intolerable to the nation. To bear the name was esteemed sufficient to cover the most atrocious crime, even in the streets of the capital; and, during the sitting of parliament, a baron who had murdered his opponent on the threshold of the principal church, was permitted to walk openly abroad, solely because he was a Douglas; and no one, by his apprehension, dared to incur the vengeance of its chief.[1]

There were men, however, bred in these iron times, and nursed in that enthusiastic attachment to their chief, created by the feudal principle, who despised all danger, in the desire of fulfilling their duty. Of this an event, which now occurred, strikingly demonstrated the truth. A groom of Lennox, having arrived in the capital, whether by accident or intention does not appear, met a fellow-servant in the street, and eagerly demanded if he had seen Hamilton the bastard of Arran? "I have, and but a short time since," was the reply. "What!" said he, "and wert thou so ungrateful a recreant to thy murdered lord, as to permit him to live?—begone! thou art unworthy of so noble a master." With these words this daring man sought the palace, where a numerous body of the retainers of Douglas were mustering for a projected expedition to the Borders. Singling out Hamilton from amongst them, he watched him till he left the assembly, and springing upon him as he entered a dark passage, repeatedly buried his dagger in his bosom, leaving him stretched, with six wounds, apparently lifeless upon the ground. As the cry of blood arose, he darted into the midst of the crowd, and might have eluded pursuit but for an order which commanded the palace gates to be closed, and all within the court to draw up against its walls. This scrutiny instantly led to the seizure of the assassin, who was discovered, according to the strong expression of the Scottish law, "Red hand," with the marks of recent blood upon his dagger and his person.[1] On hearing that Hamilton was likely to survive, he bitterly upbraided himself for the failure of his purpose, and when, in the tortures which preceded his execution, his right hand was amputated, observed, that it merited such a fate, not for its crime, but for its failure. Such were the tempers and the principles which grew out of the feudal system.

To atone for the injustice of his usurpation, Angus, during his progress to the Borders, assumed a severity which constrained the Armstrongs and their lawless adherents to re-

[1] Caligula, b. vi. 420. Sir C. Dacre to Lord William Dacre, Dec. 2, 1526. The murderer mentioned in the text was the Laird of Lochinvar, who had slain the Laird of Bondby at St Giles' kirk door. "As for th' ord'ring of God's justice there is noon done in all Scotland."

[1] Lesley, p. 139. Buchanan, xiv. c. 31.

nounce, for a season, their ferocious habits, and to give hostages for their future obedience to the government. He next proceeded to appease a deadly feud which had broken out between the families of Lesley and Forbes, and whose ramifications of private vengeance, extending through the districts of Mar, Garioch, and Aberdeen, plunged the country in blood.[1]

The Highlands, remote from the seat of government, and completely neglected since the defeat at Flodden, had gradually relapsed into a state of almost irretrievable disorder. Where the law was not totally forgotten, it was perverted to the worst purposes of rapine and injustice; its processes were employed to screen the spoiler and the murderer; crimes which mingled in their character the ferocity of a savage with the polished cunning of a refined age were perpetrated with impunity; and the venal government of Angus neglected the outrages which they found it lucrative to countenance and almost impossible to repress.

Matters at last proceeded to such an extremity, that the alternative of immediate interference, or the entire separation of the remoter northern counties from the government was presented. Lachlan Macintosh, chief of the noted clan Chattan, was murdered by Malcolmson, his near relative, for no other reason than that he had endeavoured to restrain the excesses of his retainers.[2] The assassin escaping, buried himself in an island of the lake of Rothiemurchy in Strathspey; but his retreat was invaded, and he fell a victim to the vengeance of the clansmen. The infant son of the chief was delivered to the keeping of the Earl of Moray; and Hector his bastard brother, succeeded to the temporary command of the clan, till the majority of his nephew. Scarcely had he assumed this dignity, when he sent Moray a peremptory order to deliver up the infant, and, on his refusal, mercilessly ravaged his lands, sacked the town of Dyke, which belonged to him, and stormed and razed to the ground his castle of Tarnaway.[3] Nor was this enough: the young heir of Macintosh had been committed to the care of the Ogilvies, Moray's near kinsmen; and, to revenge this imaginary insult, the ferocious mountaineer appeared before the castle of Pettie, belonging to Ogilvy of Durness, and, carrying it by assault, murdered twenty-four of their house. But the triumph was brief; for when Hector was about to continue his outrages, Moray, who had procured a royal commission, rapidly assembled an army, and suddenly invading the Macintoshes, defeated them with the utmost slaughter. Two hundred of the principal delinquents were made prisoners, and led to instant execution; but the chief himself escaped; and such was the fidelity of his clansmen, that neither rewards nor tortures could induce them to disclose the place of his retreat. His brother, however, was seized and hanged, whilst Hector, flying to the capital, obtained the royal mercy only to fall a victim to the dagger of a monk at St Andrews, whose history and motive are alike unknown.[4] Amid these dark and sanguinary scenes, the government of Angus continued firm, being strengthened by the friendship of England, to whose interests he cordially attached himself, and by the apparent accession of the chancellor Beaton. The great wealth of this crafty prelate, and the liberality with which it was distributed to the Douglases, obtained for him a ready oblivion of his former opposition; and, although Sir George Douglas warned his brother of the dangerous designs which might be in agitation under the pretended reconciliation, Angus, who was inferior to his rival in a talent for intrigue, derided his suspicion.

The reconciliation of the archbishop to his powerful rivals, and his readmission to a share in the government, were signalised by a lamentable event,—the arraignment and death of Patrick Hamilton, abbot of Ferne, the earliest, and, in some respects, the most eminent of the Scottish re-

[1] Lesley, p. 136. [2] Ibid. p. 137.

[3] Now called Darnaway, on the river Findhorn. [4] Lesley, p. 138.

formers. This youthful sufferer was the son of Sir Patrick Hamilton of Kincavil, and Catherine Stewart, a daughter of the Duke of Albany. Educated at St Andrews, in what was then esteemed the too liberal philosophy of John Mair, the master of Knox and Buchanan, he early distinguished himself by a freedom of mind, which detected and despised the tenets of the schoolmen. He afterwards imbibed, probably from the treatises of Luther, a predilection for the new doctrines; and, being summoned before an ecclesiastical council, he preferred at that time, when his faith was still unsettled, an escape to the continent to the dangerous glory of defending his opinions. At Wittemberg, he sought and obtained the friendship of Luther and Melancthon; they recommended him to the care of Lambert, the head of the university of Marpurg, and by this learned scholar Hamilton became fully instructed in the reformed opinions. No sooner did a full conviction of the errors of the church of Rome take possession of his mind, than a change seemed to be wrought in his character; he that before had been sceptical and timid, became courageous, almost to rashness; and, resisting the tears and entreaties of his affectionate master, declared his resolution of returning to Scotland, and preaching the faith in his native country.[1] He embarked, arrived in 1527 at St Andrews, publicly addressed the people, and, after a brief and zealous career, was arrested by the ecclesiastical arm, and thrown into prison. His youth, (he was then only twenty-eight,) his talents, his amiable and gentle manners, interested all in his favour; and many attempts were made to induce him to retract his opinions, or, at least, to cease to disturb the tranquillity of the church by their promulgation to the people. But all was in vain: he considered this tranquillity not the stillness of peace, but the sleep of ignorance; he defended his doctrines with such earnestness and acquaintance with Scripture, that Aless, a Catholic priest, who had visited him in his cell with a desire to shake his resolution, became himself a convert to the captive, and he was at last condemned as an obstinate heretic, and led to the stake. On the scaffold, he turned affectionately to his servant, who had long attended him, and, taking off his gown, coat, and cap, bade him receive all the worldly goods now left him to bestow, and with them the example of his death. "What I am about to suffer, my dear friend," said he, "appears fearful and bitter to the flesh; but, remember, it is the entrance to everlasting life, which none shall possess who deny their Lord."[2] In the midst of his torments, which, from the awkwardness of the executioner, were protracted and excruciating, he ceased not to exhort those who stood near, exhibiting a meekness and unaffected courage, which made a deep impression. Lifting up his eyes to heaven, he exclaimed, "How long, O God! shall darkness cover this kingdom? How long wilt thou suffer this tyranny of men?" and when death at last came to his relief, he expired with these blessed words upon his lips, "Lord Jesus, receive my spirit."[3] The leading doctrines of Hamilton were explained by himself in a small Latin treatise, which has been translated by Fox, and incorporated in his Book of Martyrs. It contains a clear exposition of the manner in which a sinner is justified before God, through faith in Jesus Christ, and a beautiful commentary on some of the principal Christian graces. Although occasionally quaint and obscure, it proves that the mind of this good man was in advance of his age, at least in Scotland.[4]

It was now two years since Angus had obtained the supreme power. During this time the despotism of the

[1] Spottiswood, pp. 62, 63. Knox, pp. 7, 8.

[2] There is some reason to believe that a scheme for his rescue had been organized by Andrew Duncan of Airdrie, in Fife, one of his most attached followers, but it was discovered and defeated.

[3] Biographia Brit. Art. Duncan, Kippis' edition.

[4] Knox, p. 8, Glagow edition.

house of Douglas had been complete; and the history of the country presented the picture of a captive monarch,[1] a subservient and degraded nobility, and a people groaning under oppression, yet bound by the ties of the miserable system under which they lived to the service of their oppressors. To use the strong and familiar language of an ancient historian, "the Douglases would frequently take a progress to punish thieves and traitors, yet none were found greater than in their own company;" and an attempt made at this time, by the arch-plunderer himself, to obtain possession of the queen's dowry lands, so alarmed Margaret and her husband that, giving way to terror, they suddenly threw themselves into the castle of Edinburgh. But Douglas, taking the young monarch in his company, and summoning the lieges to muster under the royal standard, laid siege to the fortress; and Margaret, although she knew that her son was an unwilling enemy, and weary of his fetters, did not dare to disobey his summons. Falling on her knees before the king, she presented the keys of the fortress, and implored pardon for herself and her husband, whilst Angus, in the insolence of uncontrollable dominion, smiled at her constrained submission, and ordered Henry Stewart to a temporary imprisonment.[2] The secret history of this enormous power on the one hand, and implicit obedience on the other, is to be found in the fact that the Douglases were masters of the king's person: they compelled the young monarch to affix his signature to any deeds which they chose to offer him. Angus was chancellor, and the great seal at his command; his uncle was treasurer, and the revenues, as well as the law of the country, with its terrible processes of treason and forfeiture, were completely under his control. So long as James remained a captive all this powerful machinery was theirs, and their authority, which it supported, could not be shaken; but as soon as the king became free, the tyrannical system was undermined in its foundation, and certain to disappear.

The moment destined for the liberation of the monarch and the country was now at hand; nor can it be doubted that James, who had completed his sixteenth year, and began to develop a character of great vigour and capacity, was the chief contriver of the plot for his freedom. Beaton, the ex-chancellor and his assistant in his schemes, having given a magnificent entertainment to the young king and the Douglases in his palace of St Andrews, so completely succeeded in blinding the eyes of Angus, that the conspiracy for his destruction was matured when he deemed himself most secure.[3] James prevailed first on his mother, whom it was not deemed prudent to entrust with the secret, to exchange with him her castle of Stirling for the lands of Methven, in Strathern, to be given with the dignity of peer to her husband; and having placed this fortress in the hands of a captain on whose fidelity he could rely, he induced Angus, under some plausible pretext, to permit him to remove to his palace of Falkland, within a moderate distance from St Andrews.[4] It was here easy for him to communicate with Beaton, and nothing remained but to seize a favourable moment for the execution of their design: nor was this long of presenting itself. Lulled into security by the late defeat of the queen, and the well-feigned indifference of the chancellor, the Douglases

[1] In Caligula, b. ii. 118, Aug. 30th, 1527, is a letter from Magnus to Wolsey, which shews that James had ineffectually remonstrated to Henry VIII. against the thraldom in which he was held by Angus. "This daye," says Magnus, "passed from hence a chaplaine of the Bishoppe of St Andrews, wyth a letter addressed from the younge kyng of Scottes to the kinge's hieness, a copy whereof I send; mencioning, among other thynges, that the said yong king, contrary his will and mynd, is kept in thraldom and captivitie with Archibald erle of Anguisshe."

[2] Lesley, p. 140.

[3] Caligula, b. iii. 136. By a letter of Thomas Loggen, one of Magnus's spies, to that ambassador, it appears that the Douglases had detected Beaton secretly writing to the pope, representing his services, and requesting a cardinal's hat. It is singular this did not make Angus more cautious. Lindsay, p. 206.

[4] Caligula, b. vii. 73. Credence gevin by the Queene of Scots to Walter Taite.

had for a while intermitted their rigid watch over the king. Angus had passed to Lothian, on his private affairs; Archibald, his uncle, to Dundee; and Sir George Douglas, the master of the royal household, having entered into some transactions with Beaton regarding their mutual estates, had been induced by that prelate to leave the palace for a brief season, and to visit him at St Andrews; only Douglas of Parkhead, captain of the royal guard, was left with the young monarch, who instantly took his measures for escape. Calling Balfour of Ferny, the keeper of Falkland forest and chamberlain of Fife, he issued orders for a hunting party next morning, commanding him to warn the tenantry, and assemble the best dogs in the neighbourhood; he then took supper, went early to bed, under pretence of being obliged to rise next morning before daybreak, and dismissed the captain of his guard, who, without suspicion, left the royal apartment. When all was quiet in the palace, James started from his couch, disguised himself as a yeoman of the guard, stole to the stable, attended by two faithful servants, and, throwing himself upon a fleet horse, reached Stirling before sunrise. On passing the bridge, then secured by a gate and tower, he commanded it to be shut, and kept so at the peril of the warden's life; and then, proceeding to the castle, the governor, in a tumult of delight to behold his sovereign free, knelt down, and tendered his homage as he presented the keys of the fortress, amid the shouts and rejoicings of the garrison. Worn out with anxiety and travel, James now snatched a few hours of sleep; and couriers having been despatched in the interval, he awoke to see himself surrounded by his nobles, and felt, for the first time in his life, that he was a free monarch.[1] His first act was to summon a council, and issue a proclamation that no lord or follower of the house of Douglas should dare to approach within six miles of the court, under pain of treason,—a step strongly indicating that vigour and judgment which marked his future administration. The meeting was attended by the Earls of Arran, Argyle, Eglinton, and Moray, with the Lords Evandale, Sinclair, Maxwell, and Montgomery.[2]

Meanwhile, all this had passed with such speed and secrecy, that the Douglases still believed the king safe in the palace of Falkland; and so secure did they esteem themselves, that Sir George Douglas, the master of the household, arriving late in the evening, and hearing that James had retired for the night, made no further inquiries, but sought his own chamber. A loud and early knocking awoke him; and Carmichael, the bailie of Abernethy, rushing in, demanded if he had lately seen the king. "His grace," said Douglas, "is yet in bed." "No, no," cried Carmichael, "ye are all deceived and betrayed; the king has passed the bridge of Stirling." Sir George now flew to the royal apartment, found it locked, burst open the door with his foot, and, to his consternation, found that the report was true. The royal vestments, which had been thrown off for the friendly disguise, lay upon the unoccupied couch; and Douglas, awakening to the full extent of the calamity, stood for an instant rooted to the ground, in an agony of rage and disappointment. To raise the cry of treason, and to summon Angus and his uncle, was the work of a few minutes; within a few hours Angus himself and Archibald Douglas arrived in breathless haste, and without further delay, the three lords, accompanied by a slender retinue, set

[1] Lindsay, Hist. pp. 218, 219. Lesley, p. 140. Caligula, b. vii. 73. Credence of the Queen of Scots to Walter Tait.

[2] In an unpublished letter of Angus to Dr Magnus, (March 15, 1527,) Caligula, b. i. 105, the vigilance of that peer is strongly marked. In excusing himself for not keeping his appointment, he says, "Thyrdly, as the caiss stands, I dar not a ventur to depairt fra the keping of the kingis person, for danger that way appears; for all the lords ar departit of toun, nane uther lords remayning with his grace as now, bot my lord of Glasgow, Levenax, and I; and as I belief the kingis grace of Ingland nor ze suld be easie, yat I depairt fra the keping of my said soveran's person, in this tyme of necessitie, sic perell appearing and brekis throu thir lait novellis."

out for Stirling. Before they had proceeded any distance, they were met by the herald intrusted with the royal proclamation; and this officer, reigning up his horse, boldly read the act, which prohibited their approach to court under the pain of treason. For a moment they hesitated: the hereditary and haughty fearlessness of their house impelled them to proceed; but the terror of the royal name arrested their steps; and the same weapons which they had found invincible in their own grasp were now employed against themselves. All the penalties of treason, the loss of their property, the desertion of their vassals, the forfeiture of their lives, rose in fearful array before them; and, with imprecations against their own carelessness and folly, they turned their horses' heads, and slowly rode back to Linlithgow.[1]

CHAPTER IX.

JAMES THE FIFTH.

1528—1542.

James the Fifth, who by this sudden revolution had been delivered from the thraldom of a successful faction, and invested with the supreme power, was still a youth in his seventeenth year. Even as a boy, he appeared to the discriminating eye of Magnus, Henry's ambassador at the Scottish court, to be brave, manly, impatient of being treated as a child, and possessed of good natural talents. As he grew up, the Douglases neglected his education, and perverted his disposition by injudicious indulgences. They detected in him a strong propensity to pleasure, which they basely encouraged, under the idea that his mind, becoming enervated by indolence and sensuality would resign itself to the captivity in which they meant him to remain; but they were not aware of the strength of the character with which they had to deal. It did not, indeed, escape the pollution of such degrading culture; but it survived it. There was a mental vigour about the young king, and a strength of natural talent, which developed itself under the most unfavourable circumstances: he had early felt, with indignation, the captivity to which he was doomed, by the ambition of Angus; but he saw, for some time, no prospect of redress, and he insensibly acquired, by the necessity of his situation, a degree of patience and self-command, which are rarely found at his years. Under the restraint in which he was kept, the better parts of his nature had, for a while, little opportunity to display themselves. But the plot for his escape, and which appears to have been principally his own contrivance, having succeeded, he became at once a free monarch, and his true character, to the delight of the nation, was found to be marked

[1] Buchanan, xiv. 33. In Mr Pitcairn's valuable collection of Criminal Trials, to which, in the course of my historical investigations, I have been under repeated obligations, there occurs (vol. i. p. 188) an incidental notice, from which we may pretty nearly fix the hitherto uncertain date of the king's escape. Pinkerton (vol. ii. p. 291) assumes it to have taken place in July. This, however, is undoubtedly incorrect; for we find, on December 1st, 1528, the Lady Glammis was summoned to answer before parliament for the assistance afforded the Earl of Angus, in convocating the lieges for eight days immediately preceding June 1, to invade the king's person. This brings the date of the escape to the 22d or 23d of May.

by some of the highest qualities which could adorn a sovereign. He possessed a strict love of justice, an unwearied application in removing the grievances and promoting the real interests of his people, and a generosity and warmth of temper, which prompted him, on all occasions, to espouse with enthusiasm the cause of the oppressed. A stranger to pride, easy of access, and fond of mingling familiarly with all classes of his subjects, he seems to have gained their affections by relying on them, and was rewarded by an appellation, of which he was not unjustly proud, "the King of the Commons."

With regard to the principles which guided his future policy, they arose naturally out of the circumstances in which his mind had been nurtured. The sternest feelings against the Douglases, to whose ambition he had been made a sacrifice, were mingled with a determination to recover those rights of the crown, which had been forgotten or neglected during his minority, and to repress the power of an overgrown and venal aristocracy. Towards his uncle, Henry the Eighth, he could not possibly experience any other sentiments than those of indignation and suspicion. This monarch, through the exertions of his able minister, Lord Dacre, had introduced into Scotland a secret system of corruption, by which the nobles had become the pensioned agents of the English government, which maintained innumerable informers in the court and throughout the country, and excited such ceaseless commotions and private wars, that every effort for the maintenance of order and good government was defeated. In his uncle, James had latterly seen nothing but a determination to support his enemies the Douglases, with the object of degrading Scotland from its rank as an independent kingdom, and, by their aid, administering it according to his pleasure. To destroy this system of foreign dictation, which, since the defeat at Flodden, had been gradually assuming a more serious aspect, was one great object of the king; and whilst such a design rendered his policy inimical to England, it naturally disposed him to cultivate the most friendly relations with France.

To the success of these designs, however, great obstacles presented themselves; which, although for the moment overlooked by the sanguine mind of the king, soon compelled him to act with moderation. Henry the Eighth and Francis the First were now bound together by a strict league, of which the great object was to humble the power of the Emperor Charles the Fifth; and the French monarch received with coldness every advance which endangered a union on which the success of his political schemes so mainly depended. Nor was it long of occurring to the Scottish king, that, with a divided nobility and his finances impoverished by the havoc made in the royal revenues during his minority, it would be wise to pause before he permitted his individual resentment to hurry the nation into a war; and that, in the meantime, it should be his first object to secure his recent elevation by the immediate proscription of his enemies.

He accordingly proceeded from Stirling to Edinburgh, where a proclamation was issued, prohibiting any Douglas, on pain of death, from remaining in the capital, and making it treason to hold intercourse with Angus or his adherents. It was resolved that a parliament should meet in the beginning of September; the important office of chancellor was bestowed by the king upon his preceptor, Gawin Dunbar, archbishop of Glasgow; Cairncross, abbot of Holyrood, was made treasurer; the Bishop of Dunkeld privy-seal;[1] the command of the capital with the office of provost, intrusted to Lord Maxwell; and Patrick Sinclair was despatched to the English court with a message to Henry, informing him of the change which had taken place, and the assumption of the supreme power by the young monarch.[2] During the rapid adoption

[1] Pollock MS. entitled a Diurnal of Occurrents in Scotland, p. 11, edited by the Bannatyne Club.

[2] State Papers, Henry VIII. p. 282. James's confidence was ill bestowed on Sinclair, who

of these measures, the terror of some sudden attempt by the Douglases had not subsided. Each night the palace was strictly watched by the loyal peers and their armed followers, who now formed the court; and James himself, clothed in complete mail, took his turn in commanding the guard. After a few days, the king removed to Stirling, and the nobles dispersed to their estates, with a promise to attend the ensuing parliament in great force. Meanwhile, the Earl of Angus had shut himself up in Tantallon, whilst his brother, Sir George Douglas, and Archibald, the late treasurer, after a feeble attempt to make a diversion in his favour, were attacked by Maxwell, and driven from the capital. The measures which James contemplated against these powerful delinquents were not at first so severe as have been generally represented by our historians. Incensed, as he must have been, by the long and ignominious durance in which he had been kept, the young monarch did not instantly adopt that stern and unforgiving policy to which he was afterwards driven by the Douglases themselves. The Earl of Angus was commanded to keep himself beyond the waters of Spey, and to surrender his brother, Sir George Douglas, and his uncle, Archibald Douglas of Kilspindy, as hostages for his answering to the summons of treason, which was directed to be raised against him.[1] Both orders he haughtily disobeyed; he mustered his vassals, fortified his castles, and provoked, instead of conciliating, the royal resentment. Such conduct was attended with the effects which might have been anticipated.

On the 2d of September the parliament assembled, and an act of attainder was passed against the Douglases,[2] who justified the severity, by convoking their followers, and razing to the ground the villages of Cranston and Cowsland.[3] The lands of the arch-offender Angus were divided by James amongst those followers to whose support he had probably been indebted for the success of the late revolution, Argyle, Arran, Bothwell, Buccleuch, Maxwell, and Hamilton, the bastard of Arran; whilst to himself the king reserved the castle of Tantallon, a place whose great strength rendered it dangerous in the hands of a subject. All this was easy, as the parliament consisted of such peers and prelates as were devoted to the king; but to carry the sentence into execution was a less practicable matter, and so formidable was the power of Angus, that, for a season, he completely defied the royal wrath. In vain did the young king in person, and at the head of a force of eight thousand men, commence the siege of Douglas castle; admonished by the strength of the fortifications, and the injury to the harvest which must follow a protracted attempt, he was obliged to disband his army, and submit to the insult of having two villages, near his palace of Stirling, sacked and given to the flames, by a party of the Douglases; who, in allusion to his late escape, remarked that the light might be useful to their sovereign if he chose again to travel before sunrise. An equally abortive display was soon after made before Coldingham, in which the royal forces were totally dispersed; and, in a third attempt to reduce Tantallon, the monarch, although supported by a force of twelve thousand men, was not only compelled to raise the siege, but endured the mortification of having his train of artillery attacked and captured, after an obstinate action by Angus in person.[4] It was on this occasion that the king, whose indignation was increased by the death of Falconer, the captain of his guard, and the best naval officer in the kingdom, burst into the bitterest reproaches against Angus, and is said to have declared, with an oath, that so long as he lived, no Douglas should find a resting-place in Scotland. At length, after repeated failures, and a refusal on the part of Bothwell to lead the army against the

(State Papers, p. 150) was, in 1524, in the pay of the English government.

[1] Acts of the Parliament of Scotland, vol. ii. pp. 322, 323.

[2] Ibid. p. 324.

[3] Diurnal of Occurrents, p. 11.

[4] Lesley, pp. 140, 141. Pink., vol. ii. p. 301.

formidable rebel, the task of his expulsion from Coldingham was committed to Argyle, who, with the assistance of the Homes, compelled him to fly into England, an asylum from which he was not destined to return, till after the death of James.

Under other circumstances than those in which the English monarch was now placed, the presence at his court of so formidable a person as Angus might have led Henry to an espousal of his quarrel, and have defeated any proposals for a pacification; but the present relations of this prince with the continent, and his strict coalition with Francis the First against the emperor, made him solicitous for tranquillity on the side of Scotland; he contented himself, therefore, with an earnest request for the restoration of the rebel peer, and when this was peremptorily refused by James, abstained from interrupting the negotiations by any cavil or reiteration. The Scottish king, on the other hand, professed his obligations to Henry for many favours conferred during his minority,—a sentiment for which we can scarcely give him the credit of sincerity; and having despatched his commissioners to meet with Magnus and Sir Thomas Tempest, the English ambassadors, at Berwick, a pacification of five years was concluded between the two countries, and ratified on the 14th of December 1528. To Angus was granted a remission of the sentence of death, and a consent that he might remain in England; but the forfeiture of his estates was sternly enforced, and Tantallon, with the other castles belonging to the Douglases, delivered into the hands of the king.

Having settled this important matter, and secured himself on the side of England, James directed his attention to the state of the Borders,[1] where the disorders incident to a minority had increased to a degree which threatened the total disruption of these districts. Such excesses were mainly to be attributed to Angus, the late warden of the marches, who had secured the friendship of the Border chiefs, by overlooking their offences, whilst he had bound them to his interests by those feudal covenants, named "bands of manrent,"[2] which formed one of the darkest features of the times, compelling the parties to defend each other against the effects of their mutual transgressions. The task, therefore, of introducing order and respect for legal restraints amongst the fierce inhabitants of the marches was one of extreme difficulty. The principal thieves were the Border barons themselves, some of whom maintained a feudal state almost royal; whilst their castles, often impregnable from the strength of their natural and artificial defences, defied every attempt to reduce or to storm them.

The energy of the young monarch overcame these difficulties. Having assembled his parliament at Edinburgh, and ascertained his own strength, he represented to the three estates the impossibility of maintaining the laws, when many of the highest nobles declined or dreaded the task of enforcing their obedience, and others were notorious for their violation of them. A strong example of rigour was, he said, absolutely required; and this remark was instantly followed by the arrest of the Earl of Bothwell, lord of Teviotdale: Home, Maxwell, Ker of Fernihirst, Mark Ker, with the barons of Buccleuch, Polwarth, and Johnston, shared his imprisonment;[3] and hav-

[1] In the State-paper office is an original letter of James to Henry, dated at Jedburgh, 23d July, written on his progress to the Borders. "And at this tyme," says he, "we ar in travaile towart oure bordouris, to put gude ordoure and rewle upon thame, and to stanche the thyftes and rubbarys committit be theiffis and tratouris upon the samyn. And as our besynes takis effect, we sall advertise zou."

[2] "And howbeit, the said Erle [Angus] beand our chancellare, wardane of our est and middil marches, and lieutenant of the samyne, procurit divers radis to be maid upon the brokin men of our realme; he usit our autorite, not against yame, bot against our baronis and uthers our lieges, yat wald not enter in bands of manrent to him, to be sa stark of power, that we suld not be habil to reign as his prince, or haif dominatioun aboun hym or our lieges." MS. Caligula, b. ii. 224. Articles and Credence to be shewn to Patrick Sinclair, July 13, 1528. Signed by James the Fifth.

[3] Lesley, pp. 141, 142.

ing thus secured some of the greatest offenders, the king placed himself at the head of a force of eight thousand men, and traversed the disturbed districts with unexpected strength and celerity. Guided by some of the Borderers, who thus secured a pardon, he penetrated into the inmost recesses of Eskdale and Teviotdale, and seized Cockburn of Henderland and Scott of Tushielaw before the gates of their own castles. Both were led to almost instant execution; and by a sanguinary example of justice, long remembered on the marches, the famous freebooter, Johnnie Armstrong, was hanged, with forty-eight of his retainers, on the trees of a little grove, where they had too boldly presented themselves to entreat the royal pardon. The fate of this renowned thief, who levied his tribute, or black mail, for many miles within the English Borders, has been commemorated in many of the rude ballads of these poetic districts; and if we may believe their descriptions, he presented himself to the king, with a train of horsemen, whose splendid equipments almost put to shame the retinue of his prince.[1]

This partial restoration of tranquillity was followed by the news of a formidable but abortive attempt to separate the Orkneys from the dominion of the crown. The author of the rebellion, whose ambition soared to the height of an independent prince, was the Earl of Caithness; but his career was brief and unfortunate, the majority of the natives of the islands were steady in their loyalty, and in a naval battle, James Sinclair, the governor, encountered the insurgents, defeated and slew their leader, with five hundred men, and, making captives of the rest, reduced these remote districts to a state of peace.[2] But whilst tranquillity was restored in this quarter of his dominions, the condition of the Isles became a subject of serious alarm. The causes of these renewed disturbances are not to be traced, as in the former rebellion, to any design in the Islesmen, to establish a separate and independent principality under a prince of their own election; and it is probable that the imprisonment of Donald of Sleat, in the castle of Edinburgh, extinguished for a season all ambition of this sort. The sources of disaffection originated in a fierce family feud which had broken out between the Macleans of Dowart and the Earl of Argyle, who, holding the high office of governor of the Isles, was frequently tempted to represent any attack upon himself or his adherents as a rebellion against the authority of the sovereign. A daughter of the earl, Lady Elizabeth Campbell, had been given in marriage to Maclean of Dowart, and the union proving unhappy, the ferocious chief exposed her upon a desolate rock near the isle of Lismore, which, at high water, was covered by the sea.[3] From this dreadful situation she was rescued by a passing fishing-boat; and, not long after, Sir John Campbell of Calder avenged the wrongs of his house by assassinating Maclean, whom he stabbed in his bed, although the Highland chief had procured letters of protection and believed himself secure.[4] Other causes

[1] Lesley, pp. 142, 143. Lindsay, p. 226.
[2] Lesley, p. 141.

[3] Still called the Lady Rock.

[4] This murder by Sir John Campbell is alluded to in strong terms in an interesting document, preserved in the State-paper office, dated August 1545, entitled, "Article proposed by the Commissioners of the Lord of the Isles to the Privy-council, as the basis of an agreement to be entered into between Henry the Eighth and him for the service of his troops." The passage is curious, as evincing the enmity of the Islemen to Scotland; Quhairfor, your Lordships sall consider we nave beyne auld enemys to the realme of Scotland, and quhen they had peasche with ye kings hienis, thei hanged, hedit, presoned, and destroied many of our kyn, friendis, and forbearis, as testifies be our Master, th' Erle of Ross, now the king's grace's subject, ye quhilk hath lyin in presoun afoir he was borne of his moder, and is not releiffit with their will, bot now laitlie be ye grace of God. In lykewise, the Lord Maclanis fader was cruellie murdressit, under traist, in his bed, in the toun of Edinbruch, be Sir John Campbell of Calder, brudir to th' Erll of Argyle. The capitane of Clanranald, this last zeir ago, in his defens, slew the Lord Lovett, his son-in-law, his three brethren, with xiii scoir of men; and many uther crewell slachter, burnying, and herschip that hath beyn betwix us and the saidis Scottis, the quhilk war lang to wryte.

of jealousy increased the mutual exasperation; the Macleans, strengthened by their union with the clan Ian Mhor, and led by Alexander of Isla, defied the authority of Argyle, and carried fire and sword through the extensive principality of the Campbells; whilst they, on the other hand, retaliated with equal ferocity, and the isles of Mull and Tiree, with the wide district of Morvern, were abandoned to indiscriminate plunder.

Such was the state of things, in these remote districts, during the years 1528 and 1529; about which time Argyle earnestly appealed to the council, and, describing the deplorable condition of the country, demanded more extensive powers to enable him to reduce it under the dominion of the law. But the sagacity of James suspected the representations of this powerful noble; and, whilst he determined to levy a force sufficient to overawe the disaffected districts, and, if necessary, to lead it against the Isles in person, he endeavoured to avert hostilities, by offering pardon to any of the Island chiefs who would repair to court and renew their allegiance to their sovereign. These conciliatory measures were attended with success. Nine of the principal Islesmen, with Hector Maclean of Dowart, availed themselves of the royal safe-conduct, and personally tendered their submission; whilst, soon after, Alexander of Isla repaired to the palace of Stirling, and in an interview with the monarch, expressed his contrition for his offences, and was received into favour. He promised to enforce the collection of the royal rents upon the crown lands of the Isles; to support the dignity and respect the revenues of the Church; and to maintain the authority of the laws, and the inviolability of private property. Under these conditions the monarch reinstated the Island lord and his vassals in the lands which they had forfeited by their rebellion.[1]

In the late negotiations, Henry the Eighth had alluded to his wishes for a matrimonial alliance with Scotland,[2] and his ally, Francis the First, whose interests at this time were inseparable from those of England, was disposed to promote the scheme. To Charles the Fifth, however, their great rival, whose policy was more profound than that of his opponents, any match between James and a daughter of England was full of annoyance; and he exerted every effort to prevent it. He proposed successively to the youthful monarch, his sister, the queen of Hungary, and his niece, the daughter of Christiern, king of Denmark; and so intent was he upon the last-mentioned union, that an envoy was despatched to Scotland, who held out as a dower the whole principality of Norway. But the offer of an offensive and defensive league with so remote a power as Austria was coldly received by James and his parliament; whilst the preservation of peace with England, and his desire to maintain the alliance with France, inclined him to lend a more favourable ear to the now reiterated proposals of Henry.

In the meantime his attention was wisely directed to the best measures for promoting the security and happiness of his kingdom, still distracted by the unbridled licentiousness of feudal manners. Blacater, the baron of Tulliallan, with some ferocious accomplices, among whom was a priest named Lothian, having assassinated Sir James Inglis, abbot of Culross, was seized and led to instant execution; whilst the priest, after being degraded and placed without the pale of the ecclesiastical law, was beheaded.[3] To secure the commercial alliance between Scotland and the Netherlands was his next object; and for this purpose, Sir David Lindsay of the Mount —a name dear to the Scottish Muses —and Campbell of Lundie were sent on an embassy to Brussels, at that moment the residence of the emperor, who received them with a distinction proportioned to his earnest desire to

[1] These particulars I derive from Mr Gregory's interesting work, "History of the Western Highlands and Isles," pp. 132, 133, 136.

[2] Caligula, b. vii. 121. Copy of a letter from Magnus to Sir Adam Otterburn, December 5, 1528.

[3] Diurnal of Occurren's in Scotland, p. 13.

secure the friendship of their young master. The commercial treaty, for one hundred years, originally concluded by James the First, between his dominions and the Netherlands, now about to expire, was wisely renewed for another century.[1]

But it was in vain that the king strengthened his alliances abroad, and personally exerted himself at home, whilst a large proportion of his nobles thwarted every measure for the public weal. Spoilt by the licence and impunity which they had enjoyed under the misrule of Angus, and trammelled by bands of manrent amongst themselves, or with that powerful baron, they either refused to execute the commands of the sovereign, or received them only to disobey, when removed out of the reach of the royal displeasure; and in this manner the laws, which had been promulgated by the wisdom of the privy-council or parliament, became little else than a dead letter. Against this abuse, James was compelled to adopt decided measures. The Earl of Argyle was thrown into prison; Crawford, on some charges which cannot be ascertained, lost the greater part of his estates; the dislike to the house of Douglas, and the determination to resist every proposal for their return, assumed a sterner form in the royal mind; and the Earl of Moray, Lord Maxwell, and Sir James Hamilton, who had shared for a while the intimacy and confidence of their sovereign, found themselves treated with coldness and disregard.[2] On the other hand, many of the clergy were highly esteemed, and promoted to the principal offices in the government; nor are we to wonder at the preference evinced by the monarch, when it is considered, that in learning, talents, and acquaintance with the management of public affairs, the superiority of the spiritual over the temporal estate was decided.

It was probably by the advice of Dunbar, the archbishop of Glasgow, who had been his preceptor, and now held the office of chancellor, that the king at this time instituted the College of Justice, a new court, of which the first idea is generally said to have been suggested by the Parliament of Paris. Much delay, confusion, and partiality accompanied those heritable jurisdictions, by which each feudal baron enjoyed the right of holding his own court; and although an appeal lay to the king and the privy-council, the remedy by the poorer litigant was unattainable, and by the richer tedious and expensive. In a parliament, therefore, which was held at Edinburgh, (May 17, 1532,) the College of Justice was instituted, which consisted of fourteen Judges, — one-half selected from the spiritual, and the other from the temporal estate,—over whom was placed a President, who was always to be a clergyman. The great object of this new court was to remove the means of oppression out of the hands of the aristocracy; but, as it was provided that the chancellor might preside when he pleased, and that on any occasion of consequence or difficulty, the king might send three or four members of his privy-council to influence the deliberations, and give their votes, it was evident that the subject was only freed from one grievance, to be exposed to the possibility of another,—less, indeed, in extent, but scarcely more endurable when it occurred.[3] It is an observation of Buchanan, that the new judges, at their first meetings, devised many excellent plans for the equal administration of justice, but disappointed the nation by their future conduct, especially in their attempts to prevent any encroachments upon their authority, by the provisions of the parliament. We must not forget, however, that, as he approaches the period of the Reformation, impartiality is not the first virtue of this eminent man: that the circumstance of one-half of the court being chosen from the spiritual estate had an effect in retarding the progress of the reformed opinions cannot be doubted.

[1] Pinkerton, vol. ii. p. 310.

[2] Caligula, b. v. 216. Communicacions had between th' Erle of Northumberland and th' Erle Bothwell, December 21, 1531.

[3] Acts of the Parliament of Scotland, vol ii. pp. 335, 336.

All Europe was now at peace; the treaties of Barcelona and Cambrai had for a season settled the elements of war and ambition. Charles was reconciled to the Pope, and on friendly terms with his rival Francis; whilst Henry the Eighth, under the influence of his passion for Anne Boleyn, was about to pursue his divorce, and become the instigator of that great religious reformation, in the history of which we must be careful to distinguish the baseness of some of its instruments from that portion of the truth which it restored and established. It was in the meantime the effect of all these events to give a continuance of peace to Scotland; but the intrigues of the Earl of Bothwell, who had traitorously allied himself with England;[1] the restless ambition of Angus, whose services against his native country had also been purchased by Henry;[2] and the spirit of war and plunder which was fomented in unextinguishable strength upon the Borders, combined to distract the kingdom and defeat the wisest efforts for the preservation of tranquillity. Mutual inroads took place, in which the banished Douglases and Sir Anthony Darcy distinguished themselves by the extent and cruelty of their ravages; whilst it was deemed expedient by James to divide the whole body of the fighting men in Scotland into four parts, to each of which, in rotation, the defence of the marches was intrusted under the command of Moray, now reconciled to the king, and created lieutenant of the kingdom. This measure appears to have been attended with happy effects; and at the same time, the Scottish monarch evinced his power of distressing the government of Henry, should he persist in encouraging his rebel subjects, by raising a body of seven thousand Highlanders, under the leading of MacIan, to assist O'Donnel, the Irish chief, in his attempts to shake off the English yoke. It appears from a letter of the Earl of Northumberland to Henry the Eighth, that the Earl of Argyle, about the same time, had been deprived of the chief command in the Isles, which was conferred upon MacIan,—a circumstance which had completely alienated the former potent chief, and disposed him, with the whole strength of his vassals and retainers, to throw himself into the arms of England. But this dangerous discontent was not confined to Argyle; it was shared in all its bitterness by the Earl of Crawford, whose authority in the same remote districts had been plucked from his grasp, and placed in the hands of MacIan.[3] Neither was

[1] In the State-paper Office, Border Correspondence, is an interesting and curious original MS. letter, dated Newcastle, 27th December 1531, from the Earl of Northumberland to the king, giving a full account of a conference with the Earl of Bothwell. Bothwell first declared the occasion and ground of his displeasure towards the King of Scots, —namely, "the giving of his lands to the Carres of Teviotdale; the keeping him half a year in prison, and seeking to apprehend him and his colleagues, that he might lead them to execution." The letter continues thus,—"and touching the second article in your most gracious lettres, as to know what he could do for revenging of his displeasure, or releving of his hart and stomach against the Skottes kyng, the said erle doth securely promise, your higness being his good and gracious prince and helpyng him to his right, ... that he should not only serve your most noble grace in your wars against Skotland trewly with a thousand gentlemen, and sex thousand commons, but also becomes your highness's true subject and liegeman. Thyrdly, to know what lykelihood of good effect shall ensue; hereof the said erle doth say, remembering the banyshment of the Erle of Anguisse, the wrongfull disinherityng of the Erle of Crawford, the sore imprisonment of the Erle of Argyle, the litill estimacyon of the Erle Murray and the Lord Maxwell, the simple regarding of Sir James Hamilton for his good and paynfull services, he puts no doubt with his own power and the Erle of Anguisse's, seeing all their nobles hartes afore expressed: be withdrawen from the king of Skottes, *to crown your grace in the toune of Edinburg within brief tyme.*"

[2] Caligula, b. v. 216. The object of Bothwell, as it appears by the original agreement, was to seek Henry's assistance, "that, by his grace, the realme of Skotland sal be brocht into gud stait agayn, and not the nobles thereof be kept down as they are in thralldom, but to be set up as they haif bene before," 21st December 1531. Angus bound himself, as we learn by a copy of the original writing between him and Henry, Caligula, b. i. 129, to "mak unto us the othe of allegiawnce, and recognise us as supreme Lorde of Scotland, and as his prince and soveraigne."

[3] Caligula, b. i. 129. "The king of Skottis hath plucked from the Erle of Argile, and

James absolutely secure of the support of the clergy: they viewed with jealousy an attempt to raise from their dioceses a tax of ten thousand crowns, within the period of a single year; and so effectually addressed themselves to the Pope, that a bull was obtained, which limited the sum, and extended the period for its contribution.

The mutual hostilities upon the Borders had now continued with unmitigated rancour for more than a year, each sovereign professing his anxiety for peace; yet unwilling, when provoked by aggression, to deny himself the triumph of revenge, and the consolation of plunder. The flames of towns and villages, the destruction of the labour of the husbandman, and of the enterprise and industry of the merchant; the embittering of the spirit of national animosity, and the corruption of the aristocracy of the country, by the money and intrigues of England,—all these pernicious consequences were produced by the protraction of the war, which, although no open declaration had been made by either monarch, continued to desolate the country. It was in vain that Francis the First despatched his ambassador to the Scottish court, with the object of mediating between the two countries, whose interests were now connected with his own. James upbraided him, and not without justice, with his readiness to forget the alliance between their two kingdoms, and to sacrifice the welfare of Scotland to the ambition of Henry his new ally. The negotiation was thus defeated, but again Francis made the attempt: Beauvois, a second ambassador, arrived at the Scottish court; and the monarch relaxed so far in his opposition, that he consented to a conference for a truce, which, although it had been stipulated to commence early in June, was protracted by the mutual disputes and jealousies of the contracting parties till near the winter.

In the meantime the king resolved to set out on a summer progress through his dominions, in the course of which an entertainment was given to the yet youthful monarch by the Earl of Athole, which is strikingly illustrative of the times. This potent Highland chieftain, who perhaps indulged in the hope of succeeding to a portion of the power so lately wrested from Argyle, received his sovereign at his residence in Athole, with a magnificence which rivalled the creations of romance. A rural palace, curiously framed of green timber, was raised in a meadow, defended at each angle by a high tower, hung in its various chambers with tapestry of silk and gold, lighted by windows of stained glass, and surrounded by a moat, in the manner of a feudal fortress. In this fairy mansion the king was lodged more sumptuously than in any of his own palaces; he slept on the softest down; listened to the sweetest music; saw the fountains around him flowing with muscadel and hippocras; angled for the most delicate fish which gleamed in the little streams and lakes in the meadow, or pursued the pastime of the chase amid woods and mountains which abounded with every species of game. The queen-mother accompanied her son; and an ambassador from the Papal court having arrived shortly before, was invited to join in the royal progress. The splendour, profusion, and delicacy of this feudal entertainment, given by those whom he had been accustomed to consider barbarians, appeared almost miraculous, even to the warmth of an Italian imagination; and his astonishment was not diminished when Athole, at the departure of the royal cavalcade, declared that the palace which had given delight to his sovereign should never be profaned by a subject, and commanded the whole fabric, with its innumerable luxuries, to be given to the flames.

Although provoked by the continu-

from his heires for ever; the rule of all the oute Isles, and given the same to Mackayne and his heires for ever; and also taken from the Erle Crawford such lands as he had ther, and given the same to the said Mackayne: the whiche hath engendered a grete hatrit in the said Erle's harte against the said Skottis king."

ance of the Border inroads, which were carried on with the connivance of the English monarch, at the moment he professed an anxiety for peace, James wisely suppressed his resentment, and contented himself with a temperate remonstrance. His situation indeed, owing to the continued intrigues of the adherents of the house of Douglas, and the secret support they received from England,[1] was perilous and harassing; and whatever might be his individual feelings, it became evident that peace with that country must be secured, even at some sacrifice. The Bishop of Aberdeen and Sir Adam Otterburn were accordingly despatched to the English court with full powers; and having met with the English commissioners, the Secretary Cromwell and Dr Fox, a pacification was concluded, which was to last during the lives of the two monarchs, and to continue for a year after the death of him who first deceased. It appears that the Douglases, since their forfeiture, had gained possession of Edrington castle, which James, who was jealous of their retaining even the smallest property within his dominions, insisted should be restored. On this condition he agreed that Angus, Sir George Douglas, his brother, and Archibald, his uncle, might remain unmolested in England, supported by Henry as his subjects,—provided, according to the Border laws, reparation was made for any enterprise which either he or they might conduct against Scotland. The treaty was concluded on the 12th of May 1534, and soon after ratified with circumstances of much solemnity and rejoicing by both monarchs.[2] The young king was soon after flattered by the arrival of Lord William Howard, with the Order of the Garter from England; whilst Francis the First requested his acceptance of that of St Michael; and the Emperor Charles the Fifth transmitted the Golden Fleece,[3] by his ambassador Godeschalco.

James was now in his twenty-second year, and his marriage was earnestly desired by his subjects. His fearlessness in his constant efforts to suppress in person the disturbances which agitated his kingdom exposed him to constant danger; he would often, with no greater force than his own retinue, attack and apprehend the fiercest banditti; riding by night through solitary and remote parts of his dominions; invading them in their fastnesses, and sharing in peril and privations with the meanest of his followers. Nor was he content with this nobler imitation of his father, but he unhappily inherited from him his propensity to low intrigue, and often exposed his life to the attacks of the robber or the assassin in his nocturnal visits to his mistresses. It was observed that the Hamiltons, who, next to the Duke of Albany, (now an elderly man without children,) had the nearest claim to the throne, looked upon this courage and recklessness of the king with a satisfaction which was scarcely concealed; and Buchanan has even stated, although upon no certain evidence, that they had made attempts against his life. With some probability, therefore, of success, the Spanish ambassador, in the name of his master, proposed a matrimonial alliance with his niece, the Princess Mary of Portugal; but the Scottish king evaded the offer, and dismissed him with general expressions of esteem. He regretted at the same time the continued hostility between his uncle and the emperor, expressed his sorrow for the violent measure of his double divorce from Queen Catherine and the Papal see, and declared his own determination to support the religion of his fathers, and to resist the enemies of the Church.[4]

[1] In the State-paper Office is a letter from James to Henry, dated 18th March 1533-4, in which he complains that, since the departure of his ambassador towards England, an incursion had been made by some Borderers under Sir R. Fenwick into Teviotdale, which had done more damage than any raid during the war.

[2] Rymer, vol. xiv. pp. 480-537.

[3] Diurnal of Occurrents in Scotland, p. 19. In the State-paper Office is an original letter from William, bishop of Aberdeen, to Secretary Cromwell, dated 8th July 1534, promising that the king his master will soon send his proxy to be installed Knight of the Garter.

[4] Maitland, vol. ii. p. 809.

This resolution he soon after fulfilled, by encouraging a renewed persecution of the Reformers. An ecclesiastical court was held in the abbey of Holyrood; Hay, bishop of Ross, presided as commissioner for the cardinal; and the king, completely clothed in scarlet, the judicial costume of the time, took his seat upon the bench, and gave unwonted solemnity to the unholy tribunal. Before it many were cited to answer for their alleged heretical opinions; some recanted and publicly abjured their errors; others, amongst whom were the brother and sister of Patrick Hamilton, who had sacrificed his life for his opinions,[1] fled from the country and took refuge in England; but David Straiton and Norman Gourlay, a priest, appeared before the judges and boldly defended their faith. Straiton was a gentleman of good family, brother to the Baron of Laurieston. He had engaged in a quarrel with the Bishop of Moray on the subject of his tithes; and in a fit of indignation had commanded his servants, when challenged by the collectors, to throw every tenth fish they caught into the sea, bidding them seek their tax where he found the stock. From these violent courses he had softened down into a more quiet inquiry into the grounds of the right claimed by Churchmen; and frequenting much the company of Erskine of Dun, one of the earliest and most eminent of the Reformers, became at length a sincere convert to their doctrines. It is related that listening to the Scriptures, which was read to him by the Laird of Laurieston, he came upon that passage where our Saviour declares He will deny before His Father and the holy angels any one who hath denied Him before men: upon which he was deeply moved, and falling down on his knees, implored God that, although he had been a great sinner, He would never permit him, from the fear of any bodily torment, to deny Him or His truth.[2] And the trial soon came, and was most courageously encountered. Death, in one of its most terrible forms, was before him; he was earnestly exhorted to escape by abjuring his belief; but he steadily refused to purchase his pardon by retracting a single tenet, and encouraged his fellow-sufferer Gourlay in the same resolution. Both were burnt on the 27th of August 1534.[3] It was during this persecution that some men, who afterwards became active instruments in the Reformation, but whose minds were then in a state of inquiry and transition, consulted their safety by flight. Of these the most noted were, Alexander Aless, a canon of St Andrews, who became the friend of Melancthon and Cranmer, and professor of divinity in the university of Leipsic; and John Machee, better known by his classical surname Machabæus, the favourite of Christiern, king of Denmark, and one of the translators of the Danish Bible.[4]

It was now one great object of Henry to induce his nephew to imitate his example by shaking off the yoke of Rome. To this end he made an earnest proposal for a marriage between James and his daughter the princess Mary; he despatched successively, Dr Barlow, his chaplain, and Lord William Howard into Scotland, with the suggestion that a conference should take place at York between himself and the Scottish king;[5] and he endeavoured to open James's eyes to the crimes and usurpations of the hierarchy of the Church of Rome. But it was the frequent fault of the English monarch that he defeated many a wise

[1] Supra, p. 342.

[2] MS. Calderwood, quoted in Pitcairn's Criminal Trials, vol. i. p. 210*, 211*. Spottiswood's Church History, p. 66.

[3] The place of execution was the Rood or Cross of Greenside, on the Calton Hill, Edinburgh.

[4] Gerdes' Hist. Evangelii Renovati, vol. iii. p. 417. M'Crie's Appendix to Life of Knox, vol. i. p. 357. Macbee's true name, as shewn by Dr M'Crie, on the authority of Gerdes and Vinding, was M'Alpine, a singular transformation.

[5] It appears, from a copy of Henry's instructions to Lord William Howard, preserved in the State-paper Office, he not only proposes a conference at York, but suggests that James should afterwards accompany him to Calais, where they would meet the French king.

purpose by the impetuosity with which he attempted to carry it forward; and, in this instance, the keenness of Barlow and the haughtiness of Howard were ill calculated to manage so delicate a negotiation. James, acting by the advice of his privy-council, who were mostly ecclesiastics, and are described by Barlow as "the Pope's pestilent creatures, and very limbs of the devil," refused to accept the treatise entitled "The Doctrine of a Christian Man," which had been sent him by his uncle. The conference, to which, through the influence of the queen-dowager, the king had at first consented, was indefinitely postponed;[1] and the feelings of the sovereign and his counsellors regarding the marriage with an English princess, were soon plainly expressed by the despatch of an embassy to France for the purpose of concluding a matrimonial alliance with that crown.

The death of Clement the Seventh, which took place in the autumn of this year, was followed, as is well known, by the most decided measures upon the part of Henry the Eighth. The confirmation of his supremacy as head of the Church by the English parliament, the declared legality of the divorce, and the legitimacy of the children of Anne Boleyn, with the cruel imprisonment and subsequent execution of Fisher and More, convinced the new pontiff, Paul the Third, that he had for ever lost the English monarch. It only remained for him to adopt every method for the preservation of the spiritual allegiance of his remaining children. Amongst other missions he despatched his legate, Antonio Campeggio, into Scotland, with instructions to use every effort for the confirmation of James in his attachment to the popedom, whilst he trusted that the marriage of the second son of Francis the First to the Pope's niece, Catherine de Medici, would have the effect of enlisting the whole interest of this monarch against the dissemination of the Lutheran opinions in his dominions.

[1] MS. Letter in State-paper Office. Queen Margaret to Henry the Eighth, dated 12th December 1535.

To James, Campeggio addressed an exposition of the scandalous conduct of the English king in making his religious scruples, and his separation from the Church of Rome, a cloak for the gratification of his lust and ambition; he drew a flattering contrast between the tyranny and hypocrisy which had guided his conduct, and the attachment of his youthful nephew of Scotland to the Holy See, addressing him by that title of Defender of the Faith,[2] which had been unworthily bestowed upon its worst enemy; and he laid at his feet a cap and sword which had been consecrated by the Pope upon the anniversary of the Nativity. We are to measure the effects of such gifts by the feelings of the times, and there can be little doubt that their influence was considerable; but a permission from his holiness to levy an additional contribution upon his clergy, was, in the present distressed state of the royal finances, not the least efficacious of his arguments.

In the meantime the Scottish ambassadors in France had concluded a marriage between their sovereign and Marie de Bourbon, daughter of the Duke of Vendosme; whilst Henry, jealous of the late Papal embassy, and aware that such a union must confirm the attachment of his nephew to the Roman see, encouraged the discontents amongst the Scottish nobility, promoted the intrigues of the Douglases for their restoration to their native country, and even succeeded in corrupting the fidelity of James's ambassador, Sir Adam Otterburn, who was afterwards imprisoned for a secret negotiation, with the partisans of Angus.[3]

A parliament was held this summer, (June 8, 1535,) in which, amid much that is uninteresting to the historian,

[2] It appears, by a letter in the State-paper Office, that Henry remonstrated against this title being given to James.

[3] In the State-paper Office is a letter from Otterburn to Cromwell, dated 18th of October, (probably of the year 1535,) in which he regrets that he was not able, from illness, to pay more attention to the English ambassadors; and states, that although they could not agree touching the authority of the Pope, he would use every effort to preserve the amity

there are found some provisions worthy of attention. It was made imperative on the Border barons and gentlemen to restore something like security to their disturbed districts, by rebuilding the towers and "peels" which had been razed during the late wars; "weapon-schawings," or armed musters, were enforced; and the importation of arms, harness, and warlike ammunition was encouraged. The act passed in a late parliament against the importation of the works of "the great heretic, Luther," with his disciples or followers, was repeated; and the discussion of his opinions, except with the object of proving their falsehood, was sternly prohibited, whilst all persons having any such works in their possession were commanded to deliver them up to their Ordinary within forty days, under the penalty of confiscation and imprisonment. It is evident that the late cruel exhibitions had only fostered the principles which they were meant to eradicate. One other act relating to the burghs, in that dark age the little nurseries of industry and freedom, is striking, and must have had important consequences. It appears that a practice had crept in of electing the feudal barons in the neighbourhood to the offices in the magistracy of the burgh; and the effects, as might have been anticipated, were highly injurious. Instead of industrious citizens occupied in their respective trades, and adding by their success to the wealth, the tranquillity, and the general civilisation of the country, the provost and aldermen or bailies were idle, factious, and tyrannical; domineering over the industrious burgesses, and consuming their substance. To remedy this, it was provided that no man hereafter should be chosen to fill any office in the magistracy of the burgh, but such as were themselves honest and substantial burgesses,—a wise enactment, which, if carried strictly into execution, must have been attended with the best effects.[1]

The continued war between Francis and the emperor made it expedient for the former monarch to keep on good terms with Henry; and so effectually was the English interest exerted, both at the court of France and of Scotland, in creating obstacles to the king's marriage, that James secretly determined to leave his dominions in disguise, and overrule every objection in a personal interview with his intended father-in-law,—a romantic and somewhat imprudent resolution, in which, however, it is not improbable that he may have been encouraged by some of his confidential advisers amongst the clergy. The vessel in which he embarked with his slender retinue encountered a severe gale; and the monarch, who had fallen asleep from fatigue, found himself on awakening once more close to the coasts of Scotland,—a result which some of our historians have ascribed to the jealousy of his companion, Sir James Hamilton, who, during the slumber of his master, seized the helm, and put about the ship. It is well known that the Hamiltons, from their hopes of succession to the crown, were opposed to the marriage; yet it may be questioned whether they would thus publicly expose their ambition.

But the king was not to be so easily deterred from his design; and his project of a voyage in disguise having failed, he determined to execute his purpose with suitable deliberation and magnificence. A regency was appointed, which consisted of Beaton, the archbishop of St Andrews; Dunbar, archbishop of Glasgow, the chancellor; the Earls of Eglinton, Montrose, and Huntly, with the Lord Maxwell; and the king, having first paid his devotions at the shrine dedicated to our Lady of Loretto near Musselburgh, and offered his prayers for a happy voyage, sailed from Leith with a squadron of seven vessels, accompanied by a splendid suite of his spiritual and temporal nobility. A fair wind brought

between the two kingdoms. The practices of Otterburn, and his secret correspondence with the English, had been of long duration. He seems to have been one of those busy intriguers who, in the minority of James, made a gain of giving secret information to England.

[1] Acts of the Parliament of Scotland, vol. ii. p. 349.

them on the 10th day to Dieppe; and Francis, whose hopes were at this moment highly elated by his successes against the emperor, immediately invited the royal visitor to Paris, and despatched the dauphin to conduct him thither. James's first desire, however, was to see his affianced bride; and, repairing in disguise to the palace of the Duke de Vendosme, he was recognised as he mingled with the gay crowds that peopled its halls, by his likeness to a miniature portrait which he had sent her from Scotland. Marie de Bourbon is said to have been deeply captivated by the noble mien and gallant accomplishments of her intended husband; but the impression was not mutual: and whether from the ambition of a higher alliance, or the fickleness of youthful affection, James transferred his love from the Lady of Vendosme to the princess Magdalen, the only daughter of Francis, a beautiful girl of sixteen, but over whose features consumption had already thrown a melancholy languor, which was in vain pointed out to the king by the warning voice of his counsellors. It is said by the French historians that the princess had fallen in love with the Scottish monarch at first sight; and, although her father earnestly and affectionately dissuaded the match, on account of her extreme delicacy of constitution, James would hear of no delay, and on new-year's day the marriage was celebrated with much pomp in the church of Notre Dame. The Kings of France and Navarre, and many illustrious foreigners, surrounded the altar; and Rome, as if to confirm and flatter its youthful champion, lent a peculiar solemnity to the ceremony by the presence of seven cardinals. Feasts, masks, tournaments, and all the accompaniments of feudal joy and magnificence succeeded; nor was it till the spring that the king thought of his departure with his youthful queen.

An application had been made by Francis to Henry that the royal couple should be allowed to pass through England, but it was refused. The secret reasons of this ungracious proceeding, which appear in a minute of the privy-council, were the discontent felt by the English monarch at the refusal of his request for the pardon of Angus, and a desire to avoid the expense of receiving his royal nephew with the honours due to his rank. Compelled to return by sea, James embarked at Dieppe, and arrived with his youthful bride at Leith on the 19th of May. On descending from the ship, Magdalen knelt upon the beach, and, taking up some portion of the sand, kissed it with deep emotion, whilst she implored a blessing upon her new country and her beloved husband,—an affecting incident, when viewed in connexion with her rapid and early fate. Meanwhile nothing could exceed the joy of the people at the return of their prince; and the graceful and elegant festivals of France were succeeded by the ruder, but not less cordial, pageants of his own kingdom.

James had remained in Paris for nearly nine months, an interval of no little importance when we consider the great changes which were so suddenly to succeed his arrival in his dominions. The causes of these events, which have hitherto escaped the notice of our historians, are well worthy of investigation. Of these the first seems to be the remarkable influence which Francis acquired over the mind of his son-in-law,—an influence which, notwithstanding the peace then nominally existing between Henry and the French monarch, was unquestionably employed in exciting him against England. The progress of the reformed opinions in France, the violence and selfishness of Henry, and the dictatorial tone which he was accustomed to infuse into his negotiations, although for the time it did not produce an actual breach between the two monarchs, could not fail to alienate so high-minded a prince as Francis. The Pope, whose existence seemed to hang on the result, intermitted no effort to terminate the disputes between the French king and the emperor, projecting a coalition against Henry as the common enemy of Christendom. He had so far succeeded in

1537, as to accomplish a truce concluded at Nice between these two great potentates, which was extended in the following year to a pacification of ten years. From this time the cordiality between Francis and Henry was completely at an end, whilst the Pope did not despair to bring about a combination which should make the royal innovator tremble for his boasted supremacy, and even for his throne. It was with this object that James was flattered by every argument which could have weight in a young and ardent mind, to induce him to unite himself cordially in the league. On the other hand, the conduct of Henry during the absence of the Scottish king was little calculated to ally the feelings of irritation and resentment which already existed between them. Sir Ralph Sadler, a minister of great ability, had been sent into Scotland to complete the system of secret influence and intelligence introduced and long acted on by Lord Dacre. He was instructed to gain an influence over the nobility, to attach to his interest the queen-mother, and to sound the inclinations of the people on the subject of peace or war—an adoption of the reformed opinions, or a maintenance of the ancient religion. The Douglases were still maintained with high favour and generous allowances in England; their power, although nominally extinct, was still far from being destroyed; their spies penetrated into every quarter, followed the king to France, and gave information of his most private motions;[1] their feudal covenants and bands of manrent still existed and bound many of the most potent nobility to their interest, whilst the vigour of the king's government, and his preference of the clergy to the temporal lords, disgusted these proud chiefs, and disposed them to hope for a recovery of their influence from any change which might take place.

All these circumstances were well known to the Scottish king, and a more prospective policy might perhaps have dictated a reconciliation with the Douglases as the likeliest means of accomplishing his great design for the maintenance of the Catholic religion and the humbling the power of England; but the tyranny of this haughty house, and the injuries which they had accumulated upon him, were yet fresh in his memory. He had determined that, so long as he lived, no Douglas should ever return to Scotland: he underrated, probably, the power possessed by a feudal nobility, and, being naturally endowed with uncommon vigour and resolution of mind, determined to attempt the execution of his plans, not only without their support, but in the face of their utmost endeavours against him. We may thus discern the state of parties at the return of James to his dominions. On the one hand is seen Henry the Eighth, the great foe to the supremacy of the see of Rome, supported in Scotland, not only by the still formidable power and unceasing intrigues of the Douglases, but by a large proportion of the nobles, and the talents of his sister, the queen-mother. On the other hand we perceive the King of Scotland, backed by the united talent, zeal, and wealth of the Catholic clergy, the loyalty of some of the most potent peers, the cordial co-operation of France, the approval of the emperor, the affection of the great body of his people, upon whom the doctrines of Luther had not as yet made any very general impression, and the cordial support of the Papal see. The progress of events will strongly develop the operation and collision of these various parties and interests. We shall be enabled to observe the slow but uninterrupted progress towards the reception of the great principles of the Reformation, and, amid much individual error and suffering, to mark the sublime manner in which the wrath and the sin of man are compelled to work out the predetermined purposes of a most wise and holy God.

To resume the current of events: the monarch had scarcely settled in his dominions, and entered upon the administration of the government, when his youthful and beautiful queen sunk under the disease which had so

[1] Letter of Penman to Sir G. Douglas. Caligula, b. iii. 293. Paris, 29th October 1536.

strongly indicated itself before her marriage; and, to the deep sorrow of her husband and the whole nation, expired on the 7th of July. The mind of the sovereign, although clouded for a season by the calamity, soon shook off the enervating influence of grief, and James demonstrated the firmness of purpose with which he had adopted his plans, in the decided step which he took within a few months after this sad event. David Beaton, bishop of Mirepoix, and afterwards the celebrated cardinal, was sent on a matrimonial embassy to France, accompanied by Lord Maxwell and the Master of Glencairn, where, with the least possible delay, he concluded the espousals between Mary of Guise, the widow of the Duke of Longueville, and his royal master. Nor was the full year of grief allowed to elapse before the princess arrived, and the king celebrated his second marriage in the cathedral church at St Andrews.[1] The ties which attached him to France were thus doubly strengthened, and the consequences of this union with the house of Guise may be long detected in those clouds of dark and complicated misfortune which were now slowly gathering around the country.

In the interval between the death of Magdalen and the union with Mary of Guise, the life of the monarch had been twice menaced by secret conspiracy; and there seems to be little doubt, that both plots are to be traced to the widely-spreading intrigues of the house of Douglas; nay, there is a strong presumption that they were directly connected with each other. The first plot, and that which seems to have attracted least notice, was headed by the Master of Forbes, a fierce and turbulent chief, distinguished, under the government of Albany, for his murder of Seton of Meldrum, and his subserviency to the schemes of England. This person was tried, condemned, and executed on the same day; but unfortunately, in the absence of all authentic records, it is difficult to detect the particulars of the conspiracy. Having married a sister of the Earl of Angus, he was naturally a partisan of the Douglases; and, upon their fall from power, and subsequent banishment from Scotland, he appears to have vigorously exerted himself in those scenes of private coalition and open violence by which their friends attempted to promote their interests and accelerate their return. For the same reason he had been a decided enemy of Albany during his government, and the refusal of the Scottish lords encamped at Wark to lead their vassals against England, was mainly ascribed to his conduct and counsel,—a proceeding which was, in the eye of law, an act of treason, as Albany was then regent by the appointment of the three estates. There is no evidence that any notice was taken of this at the time, but as early as the king's journey to France, in June 1536, Forbes had been accused by Huntly of a design to shoot the king as he passed through his burgh of Aberdeen, and of conspiring the destruction of a part of the army of Scotland,—charges upon which both himself and his father, Lord Forbes, were then imprisoned; nor did the trial take place till upwards of fourteen months after. The meagre details of our early criminal records, unfortunately, do not permit us to ascertain the nature of the proofs against him. He was found guilty by a jury, against whom Calderwood has brought an unsupported assertion that they were corrupted by Huntly,[2] but, as far as can be discovered, the accusation seems unjust: no bias or partiality can be traced to any of the jurymen; no previous animosity can be established against Huntly, but rather the contrary;[3] and the

[1] Henry the Eighth, as it appears by the Ambassade de M. Chatillon, Lettres Dec. 10 and 11, had become, by the report of Mr Wallop, one of his agents, enamoured of the same lady, chiefly on account of her large and comely size. He demanded her of Francis, and took the refusal violently amiss, although it was stated to him that the contract of marriage between this princess and James the Fifth had been solemnly concluded. Carte's History, vol. iii. p. 152.

[2] Calderwood Hist. MS. quoted in Pitcairn's Criminal Trials, p. 183.

[3] Pitcairn's Collection of Criminal Trials, pp. 183–187 inclusive.

leniency of James, in the speedy liberation of Lord Forbes, in admitting the brother of the criminal to an office in his household, and abstaining from the forfeiture of his estates, prove the absence of everything like vindictive feeling. All men rejoiced at the acquittal of the father, and some doubted whether the crime for which he suffered was brought home to the son, but none lamented the fate of one already stained by murder and spoliation of a very atrocious description.[1] Over the story of assassinating the king the obscurity is so deep, that all efforts to reach its truth, or even its circumstances, are baffled; but of the refusal to invade England, and the endeavour to compass the destruction and dishonour of the Scottish army, there can be little doubt that Forbes was guilty in common with many other peers. Nor is it to be forgotten that Albany, on his return from this unfortunate expedition, accused the Scottish nobles not only of retiring in the face of the enemy, but of entertaining a secret design of delivering him to the English.[2] It is not improbable that the secret reason for the long delay of the trial is to be found in the anxiety of the king to obtain from Albany, who was then in France, decisive evidence against the criminal.

The other conspiracy, of which the guilt was more certain, and in its character more dreadful, excited a deeper interest and sympathy, from the sex and beauty of the accused. Janet Douglas, the sister of the banished Angus, had married Lord Glammis, and, after his death, took to her second husband a gentleman named Campbell of Skipnish. Her son, Lord Glammis, was in his sixteenth year, and she, a youthful matron, in the maturity of her beauty, had mingled little with the court since the calamity of her house. A week had scarcely passed since James had paid the last rites to his beloved queen, and the mind of the monarch was still absorbed in the bitterness of recent grief, when, to the astonishment of all men, this noble matron, only two days after the execution of the Master of Forbes, was publicly arraigned of conspiring the king's death by poison, pronounced guilty, and condemned to be burned.[3] She suffered her dreadful fate with the hereditary courage of her house; and the sympathy of the people, ever readily awakened, and unenlightened by any knowledge of the evidence brought against her, too hastily pronounced her innocent, ascribing her condemnation to James's inveterate hostility to the Douglases. Her son, Lord Glammis, a youth in his sixteenth year, was convicted, upon his own confession, that he knew and had concealed the conspiracy; but the monarch commiserated his youth, and the sentence of death was changed into imprisonment; Archibald Campbell of Skipnish, her husband, having been shut up in the castle of Edinburgh, in attempting to escape, perished miserably by being dashed to pieces on the rocks; John Lyon, an accomplice, was tried and hanged; whilst Makke, by whom the poison had been prepared, and from whom it was purchased, escaped with the loss of his ears and banishment.[4] It must be confessed that the circumstances of this remarkable tragedy are involved in much obscurity; but an examination of the

[1] Pitcairn's Criminal Trials, vol. i. pp. 183, 187. See letter Z, in Notes and Illustrations, on the trial of Lady Glammis.

[2] Caligula, b. i. 281. Letter of Queen Margaret to Surrey, "Bot he thynketh na schame of it, for he makyth hys excuse that the lords wold not pass in Ingland with hym; also that my lord of Aren, and my lord of Lenos, wyth other lordys, he sayth, that they wold haf seld hym in Ingland."

[3] The Master of Forbes was tried, condemned, and executed on the 14th of July; Lady Glammis was tried, condemned, and executed on the 17th of the same month.—Pitcairn's Criminal Trials, vol. i. pp. 184, 190. Lord Glammis was tried and found guilty on the 10th July. His confession was probably employed as evidence against his mother.

[4] Pitcairn's Criminal Trials, vol. i. pp. 199, 202, 203. John Lyon was found guilty, at the same time, of an attempt to poison the Earl of Rothes; the families of Rothes and Glammis were connected. The mother of John, sixth Lord Glammis, (Lady Glammis's husband,) was Elizabeth Grey. On the death of her first husband, John, fourth Lord Glammis, she married Alexander, third Earl of Huntly; and on his death she married George, earl of Rothes. Douglas, vol. ii. pp 429, 563. Vol. i. pp. 646, 668.

evidence which has been lately published, leaves upon the mind little doubt of her guilt.[1]

Although James supported his clergy in their persecution of the Protestant doctrines, which were now rapidly gaining ground in the country, it was not so much with the zeal of a bigot as with the views of a politician. That he was not indisposed to a moderate reformation of the abuses in the Catholic Church is evident from the liberality with which he permitted the exhibition of the dramatic satire of Lindsay, and the severity of his censures upon the excesses of some of the prelates; but his determination to humble the power of the nobles, to destroy the secret influence of England, and to reign a free monarch over an independent kingdom, was, he thought, to be best accomplished by the assistance of the great body of the clergy, whose talents, wealth, and influence formed the only effectual counterpoise to the weight of the temporal peers. The impetuosity of the character of Henry, and the haughtiness with which he dictated his commands, alienated from him the mind of his nephew, and disposed him to listen with greater favour to the proposals of Francis and the wishes of the house of Guise. The state of England also encouraged him to hope that the king would be soon too much engrossed with his domestic affairs to find leisure for a continuance of his intrigues with Scotland. The discontents amongst his Catholic subjects had become so deep and general that within no very long period three insurrections had broken out in different parts of the country; various prophecies, songs, and libellous rhymes, which spoke openly of the accession of the Scottish monarch to the English throne, began to be circulated amongst the people; and numerous parties of disaffected Catholics, intimidated by the violence of Henry, took refuge in the sister kingdom. James, indeed, in his intercourse with the English council, not only professed his contempt for such "fantastic prophecies," but ordered that all who possessed copies of them should instantly, under the penalty of death and confiscation, commit them to the flames;[2] yet, so far as they indicated the unpopularity of the king, it may be conjectured that he regarded them with satisfaction. Another event which happened about this time was attended with important consequences. James Beaton, archbishop of St Andrews, who had long exercised a commanding influence over the affairs of the kingdom, died in the autumn of the year 1539, and was succeeded in the primacy by his nephew, Cardinal Beaton, a man far superior in talent, and still more devotedly attached to the interests of the Church from which he derived his exaltation. It was Beaton who had negotiated the second marriage of the king with Mary of Guise; and such was the high opinion which his royal master entertained of his abilities in the management of state affairs, that he appears soon to have selected him as his principal adviser in the accomplishment of those great schemes which now occupied his mind.

Beaton's accession to the supreme ecclesiastical authority was marked by a renewed persecution of the Reformers. It was a remarkable circumstance that however corrupt may have been the higher orders of the Roman Catholic Church at this period in Scotland, the great majority of converts to the principles of the Reformation were to be found amongst the orders of the inferior clergy. This was shewn in the present persecution. Keillor, a black friar; Dean Thomas Forret, vicar of Dollar, and a canon regular of the monastery of St Colm's Inch; Simp-

[1] See in the Illustrations, a note on the conspiracy of the Lady Glammis, letter Z. That this unfortunate lady, by her secret practices with the Earl of Angus and the Douglases, had brought herself within the statute which made such intercourse treason, is certain; but her participation in any conspiracy against the king has been much questioned, as it appears to me, on insufficient grounds.

[2] Caligula, b. i. 295. James in an original letter to the Bishop of *Landeth*, (Landaff,) dated 5th of February, in the 36th year of his reign, informs him that he suspects such ballads are the composition either of Henry's own subjects, or of Scottish rebels residing in England.

son, a priest; John Beveridge, also black friar; and Forrester, a notary in Stirling, were summoned to appear before a council held by Cardinal Beaton and William Chisholme, the bishop of Dunblane. It gives us a low opinion of the purity of the ecclesiastical judges before whom these early disciples of the Reformation were called when we find the bench filled by Beaton and Chisholme—the first notorious for his gallantry and licentiousness, the second commemorated by Keith as the father of three natural children, for whom he provided portions by alienating the patrimony of his bishopric.[1]

Friar Keillor had roused the indignation of the Church by the composition of one of those plays, or dramatic "mysteries," common in these times, in which, under the character of the chief priests and Pharisees who condemned our Saviour, he had satirised the prelates who persecuted his true disciples. Against Forret, who owed his conversion to the perusal of a volume of St Augustine, a more singular charge was preferred, if we may believe the ecclesiastical historian. He was accused of preaching to his parishioners, a duty then invariably abandoned to the orders of friars, and of exposing the mysteries of Scripture to the vulgar in their own tongue. It was on this occasion that Crichton, bishop of Dunkeld, a prelate more celebrated for his generous style of living and magnificent hospitality than for any learned or theological endowments, undertook to remonstrate with the vicar, observing, with much simplicity, that it was too much to preach every Sunday, as it might lead the people to think that the prelates ought to preach also: "Nevertheless," continued he, "when thou findest any good epistle or gospel which sets forth the liberty of the Holy Church, thou mayst read it to thy flock." The vicar replied to this, that he had carefully read through both the Old and New Testament, and in its whole compass had not found one evil epistle or gospel, but if his lordship would point them out, he would be sedulous in avoiding them.

[1] Keith's Catalogue, p. 105.

"Nay, brother Thomas, my joy, that I cannot do," said the bishop, smiling, "for I am contented with my breviary and pontifical, and know neither the Old or New Testament, and yet thou seest I have come on indifferently well; but take my advice, leave these fancies, else thou mayst repent when it is too late."[2] It was likewise objected to Forret, upon his trial, that he had taught his parishioners the Lord's Prayer, the Ten Commandments, and the Creed, in the vulgar tongue; that he had questioned the right of taking tithes, and had restored them to the poorer members of his flock. His defence, which he grounded on Scripture, was received with insult; his Bible plucked from his hand by Lauder, who denounced as heretical the conclusions he had drawn from it, and himself and his companions condemned to the stake. The sentence was executed on the Castlehill of Edinburgh, on the 31st February 1538–9.[3] But such cruel exhibitions were not confined to the capital. In the same year, Kennedy, a youth of eighteen years of age, and Russel, a gray friar, were found guilty of heresy, and burnt at Glasgow; Archbishop Dunbar having, it is said, in vain interceded with the cardinal to spare their lives. Kennedy is described by Knox as one who possessed a fine genius for Scottish poetry; and it is not improbable he may, like Lindsay and Dunbar, have distinguished himself by some of those satirical effusions against the higher clergy, which, it is well known, were not the least efficient weapons in preparing the way for the Reformation. But the prospect of so cruel a death shook his resolution, and it was expected he was about to recant, when the exhortations of Russel, a meek but courageous partisan of the new doctrines, produced a sudden change. Falling on his knees, he blessed the goodness and mercy of God, which had saved him from impending destruction, and breaking out into an ecstacy of triumph, declared he now coveted death, and would readily endure the

[2] MS. Calderwood, Pitcairn, vol i. p. 212*.
[3] Diurnal of Occurrents in Scotland, p. 23.

utmost tortures they could inflict. "Now," said Russel, fixing his eyes on the prelates who presided—"Now is your hour, and the power of darkness; ye now sit in judgment, whilst we stand before you falsely accused and most wrongfully condemned. But the day is coming when we shall have our innocence declared, and ye shall discover your blindness—meanwhile proceed, and fill up the measure of your iniquities."[1]

The effect of these inhuman executions was highly favourable to the principles of the Reformation, a circumstance to which the eyes of the clergy, and of the monarch who lent them his sanction, were completely blinded; and it is extraordinary they should not have perceived that they operated against them in another way by compelling many of the persecuted families to embrace the interests of the Douglases.

The continued and mutual inroads upon the Borders now called loudly for redress; and Henry, having despatched the Duke of Norfolk, his lieutenant in the north, to punish the malefactors, the Scottish king, in a letter addressed to that nobleman, not only expressed his satisfaction with this appointment, but his readiness to deliver into his hands all English subjects who had fled into Scotland.[2] The presence of the English earl in the disturbed districts was soon after followed by the mission of Sir Ralph Sadler to the Scottish court, an event accelerated by the intelligence which Henry had received of the coalition between Francis the First and the emperor, and by his anxiety to prevent his nephew from joining the confederacy against him. Of Sadler's reception and negotiation we fortunately possess an authentic account, and it throws a clear light upon the state of parties in Scotland.

His instructions directed him to discover, if possible, James's real intentions with regard to the league by the emperor and Francis against England; to ascertain in what manner the monarch was affected towards the reformed opinions, and by an exposure of the tyranny of the Papal power, the scandalous lives of the majority of the clergy, and the enormous wealth which had been engrossed by the Church, to awaken the royal mind to the necessity and the advantage of a suppression of the monasteries, and a rupture with the supreme pontiff. To accomplish this more effectually, the ambassador carried with him certain letters of Cardinal Beaton, addressed to Rome, which had accidentally fallen into Henry's hands, and the contents of which it was expected would awaken the jealousy of his master, and lead to the disgrace of the cardinal; whilst Sadler was to renew the proposal for a personal conference between the two princes, and to hold out to his ambition the hope of his succession to the crown of England, in the event of the death of Henry's infant and only son, Prince Edward.[3]

On his arrival in Scotland the ambassador was welcomed with cordiality, and although he failed in the main purpose of his mission, his reception indicated a desire upon the part of James to preserve the most amicable relations with England. This prince declared, and apparently with sincerity, that if Henry's conduct corresponded to his professions, nothing should induce him to join in any hostile coalition with Charles or Francis, but he steadily refused to imitate his example in throwing off his allegiance to the head of the Church, dissolving the monasteries, or abjuring the religion of his fathers. As to the letters of the cardinal, the king remarked that he had already seen them; and he smiled with polite contempt when Sadler attributed to Beaton a scheme for the usurping the government of his realm, and placing it in the hands of the Pope. He admitted, at the same time, the profligacy of some of his clergy, and declared with an oath that

[1] MS. Calderwood, Pitcairn's Criminal Trials, vol. i. p. 216.

[2] Original letter in the State-paper Office.

[3] It gives us a mean opinion of the wisdom of the English monarch, to find Sadler instructed to remonstrate with James upon his unkingly mode of increasing his revenue, by his keeping vast flocks of sheep, and busying himself in other agricultural pursuits.

he would compel them to lead a life more suitable to their profession; but he pronounced a merited eulogium on their superior knowledge and talents, their loyalty to the government, and their readiness to assist him in his difficulties. When pressed upon the point of a conference, he dexterously waved the subject, and, without giving a refusal, declared his wish that his ally the King of France should be present on the occasion,—a condition upon which Sadler had received no instructions. On the whole, the conference between James and the ambassador placed in a favourable light the prudence and good sense of the Scottish monarch, under circumstances which required the exertion of these qualities in no common degree.[1]

He now meditated an important enterprise, and only awaited the confinement of the queen to carry it into effect.[2] The remoter portions of his kingdom, the northern counties, and the Western and Orkney Islands, had, as we have already seen, been grievously neglected during his minority; they had been torn by the contentions of hostile clans; and their condition, owing to the incursions of the petty chiefs and pirate adventurers who infested these seas, was deplorable. This the monarch now resolved to redress, by a voyage conducted in person, and fitted out upon a scale which had not before been attempted by any of his predecessors. A fleet of twelve ships was assembled, amply furnished with artillery, provided for a lengthened voyage, and commanded by the most skilful mariners in his dominions. Of these, six ships were appropriated to the king, three were victuallers, and the remaining three carried separately the cardinal, the Earl of Huntly, and the Earl of Arran.[3] Beaton conducted a force of five hundred men from Fife and Angus; Huntly and Arran brought with them a thousand, and this little army was strengthened by the royal suite, and many barons and gentlemen who swelled the train of their prince, or followed on this distant enterprise the banner of their chiefs. It was one laudable object of the king in his voyage, to complete an accurate nautical survey of the northern coasts and isles, for which purpose he carried with him Alexander Lindsay, a skilful pilot and hydrographer, whose charts and observations remain to the present day.[4] But his principal design was to overawe the rebellious chiefs, to enforce obedience to the laws, and to reduce within the limits of order and good government a portion of his dominions, which, for the last thirty years, had repeatedly refused to acknowledge their dependence upon the Scottish crown.

On the 22d of May, to the great joy of the monarch and his people, the queen presented them with a prince, and James, whose preparations were complete, hoisted the royal flag on board the admiral's ship, and favoured with a serene heaven and a favourable breeze, conducted his fleet along the populous coasts of Fife, Angus, and Buchan, till he doubled the promontory of Kennedar.[5] He next visited the wild shores of Caithness, and crossing the Pentland Firth was gratified on reaching the Orkneys by finding these islands in a state of greater improvement and civilisation than he had ventured to expect. Doubling Cape Wrath the royal squadron steered for the Lewis, Harris, and the isles of North and South Uist; they next crossed over to Skye, made a descent upon Glenelg, Moidart, and Ardnamurchan, circumnavigated Mull, visited Coll and Tiree, swept along the romantic coast of Argyle, and passing the promontory of Cantire, delayed a while on the shores of Arran, and cast anchor beside the richer and more

[1] Sadler's State-papers, vol. i. pp. 29, 30.

[2] Caligula, b. iii. 219. "Albeit it is said the kynge of Scottis causes the schippys to be furnysched and in a redines, and after the queene be delivered he will go hymself." J. Thompson to Sir Thomas Wharton, Carlisle, May 4, 1540.

[3] "Ther be preparyt in all twelf shyppys, whereof thre as is aforesaid for the cardinall and the two erlys, and thre other shypis for vytalis only, and six for the kyng and hys trayne, . . . the said ships ar all weil ordanansyd." Edward Aglionby to Sir Thomas Wharton, Carlisle, May 4, 1540 Caligula, b. iii. 217.

[4] Harleian MSS. 3996.

[5] Probably Kinnaird's Head is here meant.

verdant fields of Bute. Throughout the whole progress, the voyage did not exhibit exclusively the stern aspect of a military expedition, but mingled the delight of the chase, of which James was passionately fond, with the graver cares and labours of the monarch and the legislator. The rude natives of these savage and distant regions flocked to the shore to gaze on the unusual apparition, as the fleet swept past their promontories; and the mountain and island lords crowded round the royal pavilion, which was pitched upon the beach, to deprecate resentment and proffer their allegiance. The force which was aboard appears to have been amply sufficient to secure a prompt submission upon the part of those fierce chieftains who had hitherto bid defiance to all regular government, and James, who dreaded lest the departure of the fleet should be a signal for a return to their former courses, insisted that many of them should accompany him to the capital, and remain there as hostages for the peaceable deportment of their followers.[1] Some of the most refractory were even thrown into irons and confined on board the ships, whilst others were treated with a kindness which soon substituted the ties of affectionate allegiance for those of compulsion and terror.[2] On reaching Dumbarton, the king considered his labours at an end, and giving orders for the fleet to proceed by their former course to Leith, travelled to court, only to become exposed to the renewed enmity of his nobles.

Another conspiracy, the third within the last three years, was discovered, and its author, Sir James Hamilton, arrested and brought to trial on a charge of treason. This baron, who has been already mentioned as notorious for his cruelty in an age not fastidious in this respect, was the illegitimate son of the Earl of Arran, and had acquired over the early youth of the king an influence, from which his more advanced judgment recoiled. Such, however, was his power and wealth, that it was dangerous to attempt anything against him, and as he was a zealous and bigoted supporter of the ancient religion, he could reckon on the friendship of the clergy. His temper was passionate in the extreme, and during the king's minority had often hurried him into excesses, which, under a government where the law was not a dead letter, might have cost him his head; but he had hitherto escaped, and latterly had even experienced the king's favour. Such was the state of things when the monarch, who had left the capital to pass over to Fife, was hurriedly accosted by a stranger, who demanded a speedy and secret audience, as the business on which he had been sent was of immediate moment, and touched the king's life. James listened to the story, and taking a ring from his finger, sent it by the informer to Learmont, master of the household, and Kirkaldy, the treasurer, commanding them to investigate the matter and act according to their judgment of its truth and importance.[3] He then pursued his journey, and soon after received intelligence that Hamilton was arrested. It was found that his accuser was James Hamilton of Kincavil, sheriff of Linlithgow, and brother to the early reformer, Patrick Hamilton, in whose miserable death Sir James had taken an active part. The crime of which he was arraigned was of old standing, though now revealed for the first time. It was asserted that Hamilton, along with Archibald Douglas of Kilspindy, Robert Leslie, and James Douglas of Parkhead, had in the year 1528 conspired to slay the king, having com-

[1] Lesley, p. 157. Maitland, vol. ii. p. 814.

[2] The names of the chiefs seized by James in this expedition may be interesting to some of my readers. In Sutherland, Donald Mackay of Strathnaver; in the Lewis, Roderick Macleod and his principal kinsmen; in the west of Skye, Alexander Macleod of Dunvegan, or of Harris; in the north of Skye, at Trouterness, John Moydertach, captain of clan Ranald, Alexander of Glengarrie, and others who were chieftains of "MacConeyllis kin," by which we must understand relatives of the late Donald Gruamach of Sleat, who was understood to have the hereditary claim to the lordship of the isles; in Kintail, John Mackenzie, chief of that clan; Cantire and Knapdale, Hector Maclean of Dowart and James Macconnel of Isla.

[3] Drummond, 110. Maitland, 825.

municated their project to the Earl of Angus and his brother, Sir George Douglas, who encouraged the atrocious design.[1] Some authors have asserted that the intention of Hamilton was to murder James, by breaking into the royal bed-chamber,[2] but in the want of all contemporary record of the trial, it is only known that he was found guilty and instantly executed. His innocence he is said to have affirmed to the last,[3] but no one lamented the death of a tyrannical baron, whose hands were stained by much innocent and unavenged blood; and the fate of the brave and virtuous Lennox who had been murdered by him after giving up his sword, was still fresh in the recollection of the people.[4]

After the execution, the monarch is represented by some of our historians as having become a stranger to his former pleasures, and a victim to the most gloomy suspicions; his court, the retreat of elegant enjoyment, was for a while transformed into the solitary residence of an anchorite or a misanthropist, and awakening to the conviction that he was hated by his nobility, many of whom had retired to their castles alarmed at the fate of Hamilton, he began to fear that he had engaged in a struggle to which he might fall a victim. For a while the thought preyed upon his peace, and disturbed his imagination. His sleep became disturbed by frightful visions; at one time he would leap out of his bed, and, calling for lights, command his attendants to take away the frightful spectacle which stood at his pillow, and assumed the form of his "Justiciar," who cursed the hour he had entered his service; at another, his chamberlain was awakened by groans in the royal apartment, and entering, found the king sitting up in bed, transfixed with terror, and declaring that he had been visited by the bastard of Arran, who brandished a naked sword, and threatened to lop off both his arms, affirming that he would return, after a short season, and be more fully revenged.[5] These stories, whether we believe or reject them, were undoubtedly so far founded in truth, that the king became deeply engrossed and agitated by the difficulties of his situation, and it is no unusual thing to find the visions of the night borrowing their gloomy and fantastic pictures from the business of the day; but James's mind, however paralysed for the moment, was composed of too strong materials to be shaken by such ideal terrors, and as it recovered its strength he soon resumed his wonted activity.

A parliament which assembled in the month of December, and a second meeting of the three estates convoked in the succeeding March, deliberated upon some subjects of great importance. To preserve the peace with England, to support the Church, now hourly becoming more alarmed by the acknowledged progress of the reformed opinions, to strengthen the authority of the crown, and humble the power of the nobles, were at this moment the leading features of the policy adopted by the Scottish monarch: and easy as it is to detect his errors when we, illuminated by the light of nearly three centuries of increasing knowledge, look back upon the past, it would scarcely be just to condemn that conduct which sought to maintain the independence of the kingdom, and the religion of his fathers against what he esteemed the attacks of heresy and revolution. When in France, in 1537, James had published at Rouen a revocation of all the grants of lands, which during his minority had been alienated from the crown, and he now followed this up by a measure, upon the strict justice of which the want of contemporary evidence precludes us from deciding. This was an act of annexation to the crown of all the isles north and south of the two Cantires, commonly called the Hebrides. That these districts had been the scenes of constant treason and open defiance of the laws, must be acknowledged, and at this moment James re-

[1] Acts of the Parliament of Scotland, vol. ii. p. 423.
[2] Anderson, MS. History, in Pitcairn's Criminal Trials, p. 229.
[3] Lesley, p. 153. [4] Supra, p. 339.
[5] Drummond, 111.

tained in various prisons many of their chiefs whose lives had been pardoned on their surrender of their persons during his late expedition to his insular dominions. But whether it was just or prudent to adopt so violent a measure as to annex the whole of the isles to the crown as forfeited lands may be doubted. To these also were added the Orkney and Shetland Isles, the seat of the rebellion of the Earl of Caithness, with the lordships of Douglas, Bonkill, Preston, Tantallon, Crawford-Lindsay, Crawford-john, Bothwell, Jedburgh forest, and the superiority of the county or earldom of Angus. But this was not all; Glammis with its dependencies, Liddesdale, the property of Bothwell, who was attached to the Douglases, and Evandale, the estate of Sir James Hamilton, increased the growing power of the crown, and even the best disposed among the nobility trembled for themselves when they observed the unrelenting rigour of the monarch and the rapid process of the law. Having thus strengthened his hands by this large accession of influence, James attempted to conciliate the uneasy feelings of the aristocracy by a general act of amnesty for all crimes and treasons committed up to the day of its publication; but unfortunately its healing effects were defeated by the clause which excepted the banished Earl of Angus, his brother, Sir George Douglas, and the whole body of their adherents. Nor was the sternness of regal legislation confined to the hated Douglases. The Catholic clergy, whose councils were gradually gaining influence in the bosom of the monarch, procured the passing of many severe statutes against heresy. To argue against the supreme authority, or to question the spiritual infallibility of the Pope, was made a capital offence; no person even suspected of entertaining heretical opinions was to be admitted to any office in the government, whilst those who had fled from judicial examination were to be held as confessed, and sentence passed against them. All private meetings or conventicles, where religious subjects were debated, were declared illegal, rewards were promised to those who revealed where they were held; and such was the jealousy with which the Church provided against the contamination of its ancient doctrines, that no Catholic was to be permitted to converse with any one who had at any time embraced heretical opinions, although he had repented of his apostacy and received absolution for his errors. It is more pleasing to notice that in the same parliament the strongest exhortations were given to Churchmen, both of high and low degree, to reform their lives and conversation, whilst the contempt with which the services of religion had been lately regarded was traced directly to the dishonesty and misrule of the clergy, proceeding from their ignorance in divine and human learning and the licentiousness of their manners. For the more general dissemination of the knowledge of the laws amongst the inferior judges and the great body of the people, the acts of parliament were ordered to be printed from an authentic copy attested by the sign-manual of the clerk register; and an act passed at the same time against the casting down of the images of the saints, informs us that the spirit of demolition, which afterwards gathered such strength, had already directed itself with an unhappy narrowness of mind against the sacred edifices of the country.[1]

Other enactments in a wise spirit provided for the more universal and impartial administration of justice by the sheriffs and temporal judges throughout the realm. The abilities of deputies or inferior judges, the education and election of notaries, and the ratification of the late institution of the College of Justice, form the subjects of some important changes; various minute regulations were introduced concerning the domestic manufactures and foreign commerce of the country, and to defend the kingdom against any sudden project for its invasion (a measure which

1 Acts of the Parliament of Scotland, vol. ii. p. 370.

the violent temper of Henry rendered by no means improbable) the strictest orders were given for the observance of the stated military musters, and the arming of all classes of the community. It was declared that the army of Scotland should fight on foot, that the yeomen who brought horses with them should only use them for carriages or baggage waggons, and that none should be permitted to be mounted in the host except earls, barons, and great landed proprietors. Such leaders were directed to be armed in white harness, light or heavy according to their pleasure, and with the weapons becoming their rank; whilst all persons whose fortune was below a hundred pounds of yearly rent, were to have a jack, or a halkrick,[1] or brigantine, and gloves of plate, with *pesane* and gorget; no weapons being admitted by the muster officer, except spears, pikes of six ells length, Leith axes, halberds, handbows and arrows, cross-bows, culverins, and two-handed swords.

Such in 1540 were the arms of the Scottish host;[2] and these cares for the increase of the military strength of his dominions were succeeded on the part of the king by more decided demonstrations. A proclamation was read in the capital, and forwarded to every part of the country, by which all persons between sixteen and sixty years of age were commanded to be ready on a warning of twenty-four hours to join the royal banner, armed at all points; and a train of sixteen great, and sixty lesser cannon was ordered to be fitted out, to take the field within twenty days after Easter. It may be doubted, however, whether such symptoms of impending hostility were not rather preventive than preparatory of war. The individual feelings of the sovereign at this moment appear to have been in favour of a reform in the Church, a measure almost synonymous with a peace with England; he not only permitted, but encouraged and sanctioned by his presence, the celebrated play of Lindsay, which, under the name of a satire on the three estates, embodied a bitter attack upon the Catholic clergy; he remonstrated with the prelates on the scandalous lives of some of their body; and if we may give full credit to the representations of the Duke of Norfolk,[3] who repeated the information of an eye-witness, he began to look with a covetous longing upon the immense revenues, and meditated, at least so the clergy dreaded, the appropriation of a portion of the possessions of the Church. Yet the same authority pronounces him a decided enemy to the power and interference of England in the internal administration of his kingdom; and the queen, whose influence over her husband was increased at this time by the birth of another prince, was a devoted adherent of Rome. To counteract the disposition of the sovereign towards the Reformation, the great reliance of Beaton and the prelates was in the prospect of a war with England; for the attainment of this object no industry and no intrigues were omitted, no sacrifice considered too dear; and it unfortunately happened that the violence of Henry the Eighth, with the unrelenting enmity of the Scottish monarch against the Douglases, and that large portion of the nobility connected with them by alliance or by interest, presented the two kings with materials of mutual provocation, of which they well knew how to avail themselves.

In the midst of these transactions the queen-mother was taken ill at Methven, the castle of her husband, and died after a varied and turbulent life, during the latter years of which she had lost all influence in the affairs of the kingdom. Great violence of temper, a devotedness to her pleasures, and a disregard of public opinion, were qualities in which she strongly resembled her brother, Henry the Eighth; and after the attempt to accomplish a divorce from Methven, her third husband which for the sake of decency was quashed by her son,

[1] A corslet.

[2] Acts of the Parliament of Scotland, vol. ii. p. 362.

[3] Norfolk to Lord Privy Seal, 29th March 1543. Caligula, b. vii. 228.

she appears to have been neglected by all parties. Her talents, had they not been enslaved to her caprice and passion, were of a high order, as is amply proved by that large and curious collection of her original letters preserved in our national archives;[1] but the influence she exerted during the minority of her son was mischievous, and her individual character such as could not long command either affection or respect. She was interred with much solemnity and magnificence in the church of the Carthusians, at Perth, in the tomb of its founder, James the First.

The decease of the queen was followed by an event which plunged the court and the people into sincere grief. Arthur, duke of Albany, the infant prince whose birth had lately given such joy to his royal parents, was suddenly cut off at Stirling by some infantine disease; and scarcely had he ceased to breathe, when Prince James, the eldest born, and heir to the throne, was attacked with a similar malady, which defied all human skill, and hurried him within a brief period to share the grave of his brother.[2] It was a blow which fell heavily upon the affections of the monarch; and, in a political point of view, its consequences were equally distressing; it shook the security of a sovereign, who was at variance with his nobility, and whose throne needed, on that account, the support communicated by the certainty of succession; but James never permitted his cares and duties to be long interrupted by an excessive indulgence in sorrow, and he wisely sought for alleviation in an attention to those peaceful arts, which were intimately connected with the welfare of his kingdom. From France and Flanders, from Spain and Holland, he invited the most skilful artisans, in those various branches of manufacture and industry, wherein they excelled his subjects, inducing them by pensions to settle in the country; he improved the small native breed of the Scottish horses by importations from Denmark and Sweden;[3] and anxious for the encouragement of useful learning, he visited the University of Aberdeen in company with his queen and his court, listened to the classic declamations of the students, and enjoyed the dramatic entertainments which were recited, during a residence of fifteen days, in this infant seat of the Scottish Muses. On his return, a mission of Campbell of Lundy to the Netherlands, for the redress of some grievances connected with the fisheries, and an embassy of Beaton and Panter, the secretary of the king, to Rome, evinced that the royal mind had recovered its wonted strength and activity. The avowed object of the cardinal was to procure his nomination as Papal legate within the dominions of his master; but there can be little doubt that his secret instructions, which unfortunately have not been preserved, embraced a more important design. The extirpation of heresy from Scotland, and the re-establishment of the Catholic faith in the dominions of Henry the Eighth, by a coalition between Francis, James, the emperor, and the Papal see, formed, it is probable, the main purpose of Beaton's visit. Events, however, were now in progress, which counteracted his best laid schemes; and the rupture which soon after took place between Francis and the emperor, for the present dissolved the meditated confederacy.

It was this moment which the English monarch selected for a second embassy of Sadler to the court of his nephew; and, had Henry's instructions to his ambassador been less violent, a favourable impression might have been made; but James, who never forgot his station as an independent prince, was not to be threatened into a compliance with a line of policy which, if suggested in a tone of conciliation, his judgment might perhaps have approved; and if the English ambassador besought him not to "be as brute

[1] In the State-paper Office and the British Museum.

[2] Pinkerton, vol. ii. 371.

[3] Epistolæ Regum Scotorum, vol. ii p. 36: —"Cataphractos aliquot e regno tuo desideramus."

as a stocke," or to suffer the practices of juggling prelates to lead him by the nose, and impose a yoke upon his shoulders, the spirit of the prince must have been roused by the insolence of such language to a deeper resentment than he had yet felt against his uncle.[1] Yet, although inimical to the purposes of the embassy, the request of Henry, that James should meet him in a conference to be held on the Borders, was received with a less marked opposition; and before the departure of Sadler, the monarch appears to have given a reluctant assent to the interview.[2] It, however, most inopportunely happened, that at this time the English Borderers, not only with the approval, but under the guidance of the wardens, renewed, with every circumstance of cruelty and havoc, their invasions of the Scottish territory; and the king, disgusted with such contradiction and duplicity, presented a remonstrance, in which he not only demanded redress, but declined the promised interview till it should be obtained.[3] Meanwhile Henry proceeded to York, in the autumn of the year 1541, and for six days held his court in that city, in hourly expectation of the arrival of his nephew; but he looked for him in vain, and in deep indignation retraced his steps to his capital. To act on the resentment of the moment, and to permit the impatience of personal revenge to dictate the course of his policy, was the frequent failing of this monarch; and there can be no doubt that, from the instant he found himself disappointed of the intended interview at York, war with Scotland was resolved on. Instructions were despatched to Sir Robert Bowes, to levy soldiers and put the east and middle marches in a state of defence; an army was ordered to be raised for immediate service in the north; the fortifications of Berwick were inspected; and the monarch, having determined to revive the idle and exploded claim of superiority, issued his commands to the Archbishop of York, requesting him to make a search into the most ancient records and muniments within his diocese, so as to ascertain his title to the kingdom of Scotland.[4]

Some circumstances, however, for a short season delayed, although they could not prevent, an open rupture. James, from a deference to the opinion of his ecclesiastical councillors, had disappointed Henry of the intended interview at York; but he despatched an ambassador, who was commissioned to express his regret on the occasion, in terms of respect and conciliation; whilst Beaton's devices being somewhat thwarted by the renewal of the quarrel between Francis and the emperor, this ambitious minister required an interval to examine his ground, and alter his mode of attack. An event, however, which occurred about this time, was improved by the cardinal and the clergy, to bring about the desired war. The king had long maintained an intercourse in Ireland, not only with his Scottish subjects, who possessed a considerable portion of the island, but with many of the principal chiefs, in whose eyes the English monarch was a heretic and a tyrant. Hitherto, Henry's predecessors and himself had been contented to call themselves lords of that country; but, in a parliament of this year, he had assumed the more august style of King of Ireland,[5]—a proceeding so ill received by its native chiefs, that they sent a deputation to the Scottish court, inviting its monarch to accept their homage, and making a proffer of the crown, which had already, in ancient times, although for a brief period,

[1] Pinkerton, vol. ii. p. 374. Caligula, b. i. 57.

[2] Copy of Articles delivered by the Bishops of Aberdeen and Orkney, December 1541, promising that James would meet Henry at York on 15th January next. State-paper Office.

[3] Paper in State-paper Office, December 1541. Articles delivered by the King of Scots to the Bishops of Orkney and Aberdeen, and Mr Thomas Bellenden, relative to the depredations by the English Borderers.

[4] State-paper Office. Letter from Privy Council of England, April 28th, 1542, and Sir Thomas Wriothesley to Sir Robert Bowes, July 28th, 1542.

[5] Lesley, p. 160.

been placed upon the head of a Scottish prince.[1] It is not probable that the offer was ever viewed by James in a serious light; yet his assumption of the title of Defender of the Faith, with which the Pope had condescended to flatter him, the gracious reception which he gave to the Irish chiefs, and his warlike preparations, which could not be concealed, excited the jealousy, and increased the resentment of the English king to so high a pitch, that it was evident war could not be long averted.

Under such circumstances nothing seemed wanting but a slight spark to ignite the mass which had been accumulating for many years; and this was soon furnished by the restless Borderers. Upon whose side hostilities began seems uncertain; the Scottish monarch in one of his letters insisted that before his subjects retaliated they had been provoked by two English invasions; whilst the manifesto of Henry broadly imputed the first aggression to his nephew. Mutual incursions were probably succeeded by a mutual wish to throw the odium of an infraction of the peace upon each other; and, at the moment when Sir James Learmont had proceeded with a message of regret and conciliation to the English court, Sir James Bowes, captain of Norham, and warden of the east marches, broke across the Border; and, with a body of three thousand horse, penetrated into Teviotdale. He was accompanied by the banished Earl of Angus, Sir George Douglas, and a large body of their retainers; but the Earl of Huntly encountered him with a strong force at Hadden-Rig, and with the assistance of Lord Home, who joined the host with four hundred lancers, obtained a complete victory. Six hundred prisoners of note fell into the hands of the enemy, amongst whom were the lord warden himself and his brother. Angus was nearly taken, but slew his assailant with his dagger, and saved himself by flight.[2]

Open and determined war appeared now inevitable; and Henry, having sent orders to the Duke of Norfolk to levy a force of forty thousand men, this able leader, who had obtained from his master the name of the Scourge of the Scots, proceeded by rapid marches towards York. Along with him, each leading their respective divisions, came the Earls of Southampton, Shrewsbury, Derby, Cumberland, Rutland, and Hertford, with Angus, and some of his Scottish adherents; but on their march they were arrested by a deputation of commissioners, instructed by James to make a final effort for averting a war. Whether the Scottish king was sincere in this, or merely used it as an expedient to gain time, does not appear; but, as the season was far advanced, even a short delay was important, and, in all probability, he had become convinced of the fatal effects which the dissatisfaction of his nobility with his late measures might produce upon the issue of the campaign. He accordingly prevailed on Norfolk to halt at York, and amused him for a considerable period with proposals for a truce, and a personal interview, which had long been the great object of the English king.

It was now, however, too late; the conferences conducted to no satisfactory conclusion; and Henry, issuing imperative orders to his lieutenant to advance into Scotland, published at the same moment a manifesto, in which he stated his reasons for engaging in war; his nephew, he affirmed, supported some of his chief rebels within his dominions; his subjects had invaded England when a treaty of peace was in the course of negotiation; he was refused the possession of some districts to which he affirmed he had established an unquestionable title, and lastly, James had disappointed him of the promised interview at York. These trifling causes of quarrel were followed up by a revival of the claim of superiority over Scotland, and a tedious enumeration of the false and exploded grounds upon which it was maintained.

The winter had now commenced; yet Norfolk, aware of the impetuosity

[1] Maitland, vol. ii. 826.
[2] Maitland, vol. ii. p. 831. Lesley, p. 162.

of his master's temper, penetrated into Scotland, and finding no resistance, gave many of the granges and villages on the banks of the Tweed to the flames; whilst James, becoming more aware of the secret indisposition of his nobles to a contest with England, once more despatched Learmont and the Bishop of Orkney to request a conference, and carry proposals of peace.[1] All negotiation, however, was in vain; and commanding a force under Huntly, Home, and Seton, to watch the operations of Norfolk, the Scottish king himself assembled his main army, consisting of thirty thousand men, on the Borough-muir, near Edinburgh.[2] But, though strong in numbers and equipment, this great feudal array was weakened by various causes. It was led by those nobles who had regarded the late conduct of the king with sentiments of disapproval, and even of indignation. Many of them favoured the doctrines of the Reformation, some from a conscientious conviction of their truth, others from an envious eye to those possessions of the Church, which, under the dissolution of the English religious houses, they had seen become the prey of their brethren in England; many dreaded the severity of the new laws of treason, and trembled for their estates, when they considered they might thus be rendered responsible for the misdeeds of their deceased predecessors; others were tied by bands of manrent to the interests of the Douglases; and a few, who were loyal to the king, were yet anxious to adopt every honourable means of averting a war, from which they contended nothing could be expected, even should they be victorious, but an increase of those difficulties which perplexed the councils of the government. It appears also to have been a rule amongst these feudal barons which, if not strictly a part of the military law, had been established by custom, that they were not bound to act offensively within the territories of a foreign state, although their feudal tenure compelled them, under the penalty of forfeiture, to obey the royal command in repelling an enemy who had crossed the Borders, and encamped within the kingdom.

Such were the sentiments of the Scottish nobles when James lay with his army on Fala Muir, a plain near the western termination of the Lammermuir Hills; and intelligence was suddenly brought to the host that Norfolk, compelled by the approach of winter and the failure of his supplies, had recrossed the Border, and was in full retreat. It was now the end of November; and such was the scarcity of provisions, produced by the recent devastation of the English, that, having consumed the allowances which they brought along with them, the Scottish army began to be severely distressed.[3] Yet, the opportunity for retaliation appeared too favourable to be lost, and the monarch eagerly proposed an invasion of England, when he was met with a haughty and unanimous refusal. The crisis recalls to our minds the circumstances in which James the Third was placed at Lauder Bridge; and it is even insinuated by some of our historians that the nobles, who had been long secretly dissatisfied with the conduct of the king, meditated a repetition of the ferocious scenes which then occurred; but they had to do with a more determined opponent, and contented themselves by a steady refusal, alleging as their reason the advanced period of the year, and the impossibility of supporting so large a force. Yet this was enough to arouse to the highest pitch the indignation of the king. He alternately threatened and remonstrated; he implored them, as they valued their honour as knights, or esteemed their allegiance as subjects, to accompany him against the enemy; he upbraided them as cowards and poltroons, who permitted Norfolk to burn their villages, and plunder their granges under their eyes, without daring to retaliate. But all was in vain, — the leaders were immovable; the feudal feeling of loyalty

[1] Lesley, p. 161.

[2] Herbert, in Kennet, vol. ii. p. 232.

[3] Letter from the Duke of Norfolk to the Privy-Council, dated 3d November 1542. State-paper Office, B. C.

to their prince, and revenge against their enemies, seemed to be extinguished by a determination to seize the opportunity to shew their own strength, and use it for the redress of their grievances; and the king, overwhelmed with disappointment and chagrin, disbanded the army and returned to his capital.[1]

Yet, although thus abandoned by a great majority of his nobles, the monarch was not without some supporters amongst them; the opulent body of the clergy were unanimous in his favour, and a few peers making an effort to recall their brethren to their duty, resolved to muster the army for a second time, under what it was hoped would be more favourable auspices. For this purpose Lord Maxwell offered his services, and a force of ten thousand men having been assembled with great expedition and secrecy, it was determined to break into England by the western marches; whilst the monarch, with the sanguine and energetic temper by which he was distinguished, shook off the anguish which preyed on his mind, and eagerly awaited at Caerlaverock the result of the invasion. He had given secret orders that his favourite, Oliver Sinclair, should take the command of the little army so soon as it reached the Esk; and scarcely had the soldiers encamped on English ground when a halt was ordered, and this minion of the king, as he is termed in a contemporary document, was raised on a platform supported on the shoulders of the troops, whilst the royal commission appointing him generalissimo was read aloud by a herald. The intelligence was received with murmurs of disapprobation: many of the ancient nobility declared they could not serve without degradation under such a leader; their clansmen and retainers adopted their feelings; and whilst Maxwell and a few of the most loyal peers attempted to overcome their antipathy, the whole army became agitated with the discussion, presenting the spectacle of a disorderly mob tossed by conflicting sentiments, and ready to fall to pieces on the slightest alarm. It was at this crisis that Dacre and Musgrave, two English leaders, advanced to reconnoitre, at the head of three hundred horse, and, approaching the Scottish camp, became sensible of its situation, nor did they delay a moment to seize the opportunity, but charged at full speed with levelled lances, and in a compact body. In the panic of the moment they were believed to be the advance of a larger force; and such was the effect of the surprise, that the rout was instantaneous and decisive. Ten thousand Scottish troops fled at the sight of three hundred English cavalry, with scarce a momentary resistance; and a thousand prisoners fell into the hands of the enemy, amongst whom were the Earls of Cassillis and Glencairn, the Lords Somerville, Maxwell, Gray, Oliphant, and Fleming, the Masters of Erskine and Rothes, and Home of Ayton.[2]

The intelligence of this second calamity fell like a thunderbolt upon the king; he had awaited at Caerlaverock, in the most eager expectation, the first intelligence from the army; he trusted that the success of the invasion would wipe away, in some degree, the dishonour of the retreat from Fala; and he anticipated, with sanguine hope and resolution, the renewal of the war, and a restoration of the feelings of cordiality and attachment between himself and his barons. In an instant every prospect of this kind was blasted; and in the first agony of the moment he embraced an idea which overthrew the balance of his mind, and plunged him into despair: he became convinced that his nobility had entered into a conspiracy to betray him to England, to sacrifice their own honour, and the independence of the kingdom, to the determination to gratify their revenge against the crown, and their personal hatred to himself.[3] At Fala they had disgraced him by an open con-

[1] John Car to My Lord of Norfolk, 1st November 1542. State-paper Office.

[2] Hall, p. 856. Maitland, vol. ii. p. 833. Lodge's Illustrations, vol. i. pp. 44-54 inclusive. 2d edition.

[3] Lesley, p. 165.

tempt of his command; at Solway they had followed up the blow by an act which exposed themselves, their sovereign, and the Scottish name, to ridicule and contempt. James had often borne misfortune; but his mind was too proud and impatient to endure dishonour, or to digest the anguish of reiterated disappointment; and, although in the vigour of his strength and the flower of his age, with a constitution unimpaired and almost unvisited by disease, he sunk under this calamity, and seems truly to have died of a broken heart. From the moment the intelligence reached him, he shut himself up in his palace at Falkland, and relapsed into a state of the deepest gloom and despondency; he would sit for hours without speaking a word, brooding over his disgrace; or would awake from his lethargy, only to strike his hand on his heart, and make a convulsive effort, as if he would tear from his breast the load of despair which oppressed it. Exhausted by the violence of the exertion, he would then drop his arms by his side, and sink into a state of hopeless and silent melancholy. This could not last: it was soon discovered that a slow fever preyed upon his frame; and having its seat in the misery of a wounded spirit, no remedy could be effectual. When in this state, intelligence was brought him that his queen had given birth to a daughter.[1] At another time it would have been happy news; but now it seemed to the poor monarch the last drop of bitterness which was reserved for him. Both his sons were dead. Had this child been a boy, a ray of hope, he seemed to feel, might yet have visited his heart; he received the messenger and was informed of the event without welcome, or almost recognition; but wandering back in his thoughts to the time when the daughter of Bruce brought to his ancestor the dowry of the kingdom, observed, with melancholy emphasis, "It came with a lass, and it will pass with a lass."[2] A few of his most favoured friends and councillors stood round his couch; the monarch stretched out his hand for them to kiss; and regarding them for some moments with a look of great sweetness and placidity, turned himself upon the pillow and expired.[3] He died (13th December 1542[4]) in the thirty-first year of his age, and the twenty-ninth of his reign; leaving an only daughter, Mary, an infant of six days old, who succeeded to the crown; and amongst other natural children, a son James, afterwards the famous Regent Moray. There were some striking points of similarity between the character and destiny of this prince and his great ancestor, James the First. To the long captivity of the one, we find a parallel in the protracted minority of the other; whilst, in both, we may discover that vigour, talent, and energetic resolution to support the prerogative against the attacks of their nobility, to which we can trace the assassination of the first, and the premature death of the fifth James. Both were accomplished princes, and exhibited in a rude and barbarous age a remarkable example of literary and poetical talent; whilst they excelled in all those athletic and military exercises, which were then considered the only proper objects of aristocratic ambition.

[1] Mary queen of Scots was born at Linlithgow on the 7th December 1542.

[2] A lass; a girl, or young maiden.

[3] Lesley, pp. 165, 166. Drummond, p. 114. Maitland, vol. ii. p. 834. Lindsay, pp. 176, 177.

[4] Keith p. 22.

NOTES AND ILLUSTRATIONS.

LETTER A, page 41.

Site of the Battle of Harlaw.

In the manuscript geographical description of Scotland, collected by Macfarlane, and preserved in the Advocates' Library, vol. i. p. 7, there is the following minute description of the site of this battle: — "Through this parish (the Chapel of Garioch, called formerly, Capella Beate Mariæ Virginie de Garryoch, Chart. Aberdon., p. 31) runs the king's highway from Aberdeen to Inverness, and from Aberdeen to the high country. A large mile to the east of the church lies the field of an ancient battle, called the battle of Harlaw, from a country town of that name hard by. This town, and the field of battle, which lies along the king's highway upon a moor, extending a short mile from SE. to NW., stands on the north-east side of the water of Ury, and a small distance therefrom. To the west of the field of battle, about half a mile, is a farmer's house, called Legget's Den, hard by, in which is a tomb, built in the form of a malt steep, of four large stones, covered with a broad stone above, where, as the country people generally report, Donald of the Isles lies buried, being slain in the battle, and therefore they call it commonly Donald's tomb." So far the MS. It is certain, however, that the Lord of the Isles was not slain. This may probably be the tomb of the chief of Maclean, or of Macintosh, both of whom fell in the battle. In the genealogical collections of the same industrious antiquary, (MS. Advocates' Library, Jac. V. 4, 16, vol. i. p. 180,) we find a manuscript account of the family of Maclean, which informs us that Lauchlan Lubanich had, by M'Donald's daughter, a son, called Eachin Rusidh ni Cath, or Hector Rufus Bellicosus. He commanded as lieutenant-general under the Earl of Ross at the battle of Harlaw in 1411, where he and Irvine of Drum, seeking out one another by their armorial bearings on their shields, met and killed each other. He was married to a daughter of the Earl of Douglas.

Sir Walter Ogilvy, on 28th January 1426, founded a chaplainry in the parish church of St Mary of Uchterhouse, in which perpetual prayers were to be offered up for the salvation of King James and his Queen Johanna; and for the souls of all who died in the battle of Harlaw. Diplom. Regior. Indices, vol. i. p. 97.

LETTER B, page 42.

The Retour of Andrew de Tullidiff, mentioned in the text, will be found in the MS. Cartulary of Aberdeen, preserved in the Advocates' Library, folio 121. It is as follows:—

"Inquisitio super tercia parte Ledintusche et Rothmais.

Hæc inquisitio facta fuit apud rane coram Willmo de Cadyhow Ballivo Reverendi in Christo patris, et Dni Gilberti Dei gracia Episcopi Aberdonen: die martis, nono die mensis Maii anno 1413, per probos et fideles homines subscriptos, viz., Robertum de Buthergask, Johannem Rous, Johannem Bisete, Robertum Malisei, Hugonem de Kyncavil, Duncanum de Curquhruny, Johannem Morison, Johm Yhung, Adam Johannis, Johannem Thomson, Johannem de Lovask, Johannem Duncanson, Walterum Ranyson, et Johannem Thomson de

Petblayne. Qui magno sacramento jurati dicunt, quod quondam Willmus de Tulidef latoris præsencium obiit vestitus et saysitus ut de feodo ad pacem et fidem Dni nostri regis, de tercia parte terrarum de Ledyntusche, et de Rothmais cum pertinenciis jacentium in schyra de Rane infra Vicecom. de Aberden. Et quod dictus Andreas est leggitimus et propinquior heres ejusdem quondam Willmi patris sui de dicta tercia parte dictarum terrarum cum pertinenciis, et licet minoris ætatis existit tamen secundum quoddam statutum consilii generalis ex priviligio concesso hæredibus occisorum in bello de Harelaw, pro defensione patriæ, est hac vice leggittime ætatis, et quod dicta tercia dictarum terrarum cum pertinenciis nunc valet per annum tres libras, et viginti denarios, et valuit tempore pacis quatuor libras," &c., &c. The remainder of the deed is uninteresting.

LETTER C, page 47.

Battles of Baugè and Verneuil.

The exploits of the Scottish forces in France do not properly belong to the History of Scotland, and any reader who wishes for authentic information upon the subject will find it in Fordun a Goodal, vol. ii. pp. 461, 463, and Monstrelet's Chronicle, by Johnes, vols. v. and vi. There were three important battles in which the Scots auxiliaries were engaged. First, that of Baugè, in Anjou, fought on the 22d March 1421, in which they gained a signal victory over the Duke of Clarence, who was slain, along with the "flower of his chivalry and esquiredom," to use the words of Monstrelet. Secondly, that of Crevant, which was disastrous to the Scots. And lastly, the great battle of Verneuil, fought in 1424, in which John, duke of Bedford, commanded the English, and completely defeated the united army of the French and Scots.

There is a singular coincidence between the battle of Baugè and the battle of Stirling, in which Wallace defeated Surrey and Cressingham. The two armies, one commanded by the Duke of Clarence, and the other by the Earl of Buchan, were separated from each other by a rapid river, over which was thrown a narrow bridge. Buchan had despatched a party, under Sir Robert Stewart of Darnley, and the Sieur de Fontaine, to reconnoitre, and they coming suddenly upon the English, were driven back in time to warn the Scottish general of the approach of Clarence. Fortunately, he had a short interval allowed him to draw up his army, whilst Sir Robert Stewart of Railston, and Sir Hugh Kennedy, with a small advanced body, defended the passage of the bridge, over which the Duke of Clarence, with his best officers, were eagerly forcing their way, having left the bulk of the English army to follow as they best could. The consequences were almost precisely the same as those which took place at Stirling. Clarence, distinguished by his coronet of jewels over his helmet, and splendid armour, was first fiercely attacked by John Carmichael, who shivered his lance on him; then wounded in the face by Sir William de Swynton; and lastly, felled to the earth and slain by the mace of the Earl of Buchan.[1] His bravest knights and men-at-arms fell along with him; and the rest of the army, enraged at the disaster, and crowding over the bridge to avenge it, being thrown into complete disorder, as they arrived in detail, were slain or taken by the Scots. Monstrelet[2] affirms that two or three thousand English were slain. Bower limits the number who fell to sixteen hundred and seventeen, and asserts that the Scots only lost twelve, and the French two men.[3] It is well known that for this service Buchan was rewarded with the baton of Constable of France. After the battle, Sir Robert Stewart of Darnley bought Clarence's jewelled coronet from a Scottish soldier for 1000 angels.[4]

Having been thus successful at Baugè, the conduct of the Scots at Crevant, considering the circumstances under which the battle was fought, is inexplicable. On consulting Monstrelet,[5] it will be found that the river Yonne separated the two armies, over which there was a bridge as at Baugè. The Scots occupied a hill near the river, with the town of Crevant, to which they had laid siege, in their rear. Over this bridge they suffered the whole English army to defile, to arrange their squares,

[1] Fordun a Goodal, vol. ii. p. 461. This John, or, as he is called by Douglas, Sir John Carmichael, was ancestor to the noble family of Hyndford, now extinct. The family crest is still a shivered spear. Douglas, vol. i. p. 752.

[2] Monstrelet, by Johnes, vol. v. p. 263.

[3] Fordun a Goodal, vol. ii. p. 461.

[4] Gough's Sepulchral Monuments, vol. ii. p. 58.

[5] Vol. vi. p. 48.

and to advance in firm order against them, when they might have pre-occupied the *tête-du-pont*, and attacked the enemy whilst they were in the act of passing the river. Either the circumstances of the battle have come down to us in a garbled and imperfect state, or it is the fate of the Scots to shut their eyes to the simplest lessons in military tactics,—lessons, too, which, it may be added, have often been written against them with sharp pens and bloody ink. The consequences at Crevant were fatal. They were attacked in the front by the Earls of Salisbury and Suffolk, and in the rear by a sortie from the town of Crevant, and completely defeated.[1]

The battle of Verneuil was still more disastrous, and so decisive, that it appears to have completely cooled all future desires upon the part of the Scots to send auxiliaries to France. The account given by Bower[2] is, at first sight, confused and contradictory; but if the reader will compare it with Monstrelet, vol. vi. pp. 90, 94, it becomes clearer. It seems to have been lost by the Scots, in consequence of the unfortunate dissension between them and their allies the French, which prevented one part of the army from co-operating with the other; whilst on the side of the English, the steadiness of the archers, each of whom had a sharp double-pointed stake planted before him, defeated the charge of the Lombard cross-bowmen, although they were admirably armed and mounted.[3]

Letter D, page 49.

In this treaty for the relief of James the First, which is to be found in Rymer's Fœdera, vol. x. p. 307, the list which contains the names of the hostages is not a little curious, as there is added to the name of each baron a statement of his yearly income, presenting us with an interesting picture of the comparative wealth of the members of the Scottish aristocracy in 1423. The list is as follows :—

Thomas Comes Moraviæ, reddituatus et possessionatus ad M. marc.

Alexander Comes Crauffurdiæ, vel filius ejus et hæredes ad M. marc.

Willielmus Comes Angusiæ, ad vi C marc.

Maletius Comes de Stratherne, ad v C marc.

Georgius Comes Marchiarum, vel filius ejus primogenitus ad viii C marc.

David filius primogenitus Comitis Atholiæ, vel filius ejus et hæres ad xii C marc.

Willielmus Constabularius Scotiæ, vel filius et hæres ad viii. C marc.

Dominus Robertus de Erskyn, ad M. marc.

Robertus Marescallus Scotiæ, vel filius ejus et hæres ad viii C marc.

Walterus Dominus de Drybtoun (Drylton) vel filius ejus et hæres ad viii C marc.

Johannes Dominus de Cetoun, miles vel filius ejus et hæres ad vi C marc.

Johannis de Montgomery, miles de Ardrossane, vel filius ejus et hæres ad vii C marc.

Alexander Dominus de Gordonne, ad iv C marc.

Malcolmus Dominus de Bygare, ad vi C marc.

Thomas Dominus de Yestyr, ad vi C marc.

Johannis Kennady de Carryk, ad v C marc.

Thomas Boyde de Kylmernok, vel filius ejus et hæres ad v C marc.

Patricius de Dounbarre Dominus de Canmok, vel filius ejus et hæres ad v C marc.

Jacobus Dominus de Dalketh, vel filius ejus primogenitus ad xv C marc.

Duncanus Dominus de Argill, ad xv C marc.[4]

Johannes Lyon de Glammis, ad vi C marc.

Letter E, page 60.

It is not easy to account for the high character of Albany, which is given both by Winton and by Bower. It is certain, because it is proved by his actions, which are established upon authentic evidence, that he was a crafty and selfish usurper, whose hands were stained with the blood of the heir to the crown —yet he is spoken of by both these writers, not only without severity, but with enthusiastic praise. Indeed, Winton's character of him might serve for the beau ideal of a perfect king. Vol. ii. p. 418.

Bower, though shorter, is equally complimentary, and throws in some touches which give individuality to the

[1] Monstrelet, vol. vi. pp. 48, 49.
[2] Fordun a Goodal, vol. ii. p. 463.
[3] Ibid.
[4] It may be conjectured, that there is some error both here and in the preceding name.

picture. On one occasion, in the midst of the tumult of war, and the havoc of a Border raid, we find the governor recognised by his soldiers as a collector of the relics of earlier ages, (Fordun a Goodal, vol. ii. p. 409,) and at another time a still finer picture is presented of Albany sitting on the ramparts of the castle of Edinburgh, and discoursing to his courtiers, in a clear moonlight night, on the system of the universe, and the causes of eclipses. I am sorry I have neglected to mark the page where this occurs, and cannot find it at the moment.

Letter F, page 69.

A curious instrument, which throws some light on the state of the Highlands in 1420, and gives an example of the mixture of Celtic and Norman names, is to be found in a MS. in the Adv. Lib., Jac. V. 4. 22, entitled Diplomatum Collectio. It is as follows:—

"John Touch, be the grace of God Bishop of Rosse; Dame Mary of ye Ile, Lady of the Ylles and of Rosse; Hucheon Fraser, Lord of the Lovat; John Macloyde, Lerde of Glenelg; Angus Guthrason of the Ylis; Schyr William Farquhar, Dean of Rosse; Walter of Douglas, Scheraff of Elgin; Walter of Innes, Lord of that ilke; John Syncler, Lord of Deskford; John ye Ross, Lord of Kilravache; John M'Ean of Arnamurchan, with mony othyr,—Til al and syndry to the knawledge of the quhilkis thir present lettres sal to cum, gretyng in God ay listand. Syn it is needeful and meritabil to ber lele witness to suthfastness to your Universitie, we mak knawyn throche thir present lettres, that on Friday the sextent day of the moneth of August, ye yher of our Lord a thousand four hundreth and twenty yher, into the kyrke yharde of the Chanonry of Rossmarkyng, compeirit William the Grahame, the sone and the hayr umquhil of Henry the Grame. In presence of us, befor a nobil Lorde and a mychty, Thomas Earl of Moreff, his ovyr lord of his lands of the Barony of Kerdale, resignande of his awin free will, purly and symply, be fast and baston, intill the hands of the sayde Lorde the Erle," &c. An entail of the lands follows, which is uninteresting.

At page 263 of the same volume, we find a charter granted by David II., in the 30th year of his reign, entitled, "Carta remissionis Thomæ Man et multis aliis, actionis et sectæ regiæ tum pro homicidiis, combustionibus, furtis, rapinis," &c., in which the preponderance of Celtic names is very striking. The names are as follows:—"Thomas Man, Bridan filii Fergusi, Martino More, Maldoveny Beg Maldowny Macmartican, Cristino filio Duncani, Bridano Breath, Alexro Macronlet Adæ Molendinario, Martini M'Coly, Fergusio Clerico Donymore, Michaeli Merlsway, Bridano M'Dor, Maldowny M'Robi, Colano M'Gilbride, Maldowny Macenewerker, et Adæ Fovetour latoribus presencium," &c. Apud Perth, primo die Novemb. regni xxx. quinto.

Letter G, page 92.

I am indebted for the communication of the following charter to the Rev. Mr Macgregor Stirling, a gentleman intimately acquainted with the recondite sources of Scottish History:—

Apud Edinburgh, Aug. 15, 1451, a. r. 15.

Rex [Jacobus II.] confirmavit Roberto Duncansoun de Strowane, et heredibus suis, terras de Strowane,—terras dimidicatis de Rannach,—terras de Glennerach,—terras de duobus Bohaspikis,—terras de Grannecht, cum lacu et insula lacus ejusdem,—terras de Carric,—terras de Innercadoune,—de Farnay,—de Disert, Faskel, de Kylkeve,—de Balnegarde,—et Balnefarc,—et terras de Glengary, cum foresta ejusdem, in comitatu Atholie, vic. de Perth, quas dictus Robertus, in castrum [*sic*] Regium de Blar in Atholia personaliter resignavit, et quas rex in unam integram Baroniam de Strowane univit et incorporavit (pro zelo, fauore, amore, quas rex gessit erga dictum Robertum pro captione nequissimi proditoris quondam Roberti de Grahame, et pro ipsius Roberti Duncansoune gratuitis diligenciis et laboribus, circa captionem ejusdem sevissimi proditoris, diligentissime et cordialissime factis.)—*Mag. Sig.* iv. 227.

Letter H, page 132.

Boece and the Story of the Bull's Head.

The story of the bull's head being presented to the Douglases at the banquet, as a signal for their death, appears, as far as I have discovered, for the first time, in Hector Boece, p. 363:—"Gubernator, assentiente Cancellario, . . . amotis epulis, *taurinum caput apponi jubet.* Id enim est apud nostrates

supplicii capitalis symbolum." Although this extraordinary circumstance is not found in the Auchinleck Chronicle, an almost contemporary authority, yet, had I found evidence of the truth of Boece's assertion, that the production of a bull's head was amongst our countrymen a well-known signal for the infliction of a capital punishment, I should have hesitated before rejecting the appearance of this horrid emblem immediately previous to the seizure of the Douglases. The truth is, however, that the production of such a dish as a bull's head, or, according to the version of the tale given by a great writer,[1] a *black* bull's head, as an emblem of death, is not to be found in any former period of our history, or in any Celtic tradition of which I am aware. For this last assertion, the non-existence of any Celtic or Highland tradition of date prior to Boece's history, where this emblem is said to have been used, I rest not on my own judgment, for I regret much I am little read in Gaelic antiquities, but on the information of my friends, Mr Gregory, secretary to the Society of Antiquaries, and the Reverend Mr Macgregor Stirling, who are, perhaps, amongst the ablest of our Celtic antiquaries.[2] After the time of Boece, whose work was extremely popular in Scotland, it is by no means improbable that the tale of the bull's head should have been transplanted into Highland traditions. Accordingly I understand, from Mr Stirling, that Sir Duncan Campbell, the seventh laird of Glenurcha, on an occasion somewhat similar to the murder of the Douglases, is said to have produced a bull's head at table, which caused his victims to start from the board and escape. Sir Duncan lived in the interval between 1560 and 1631.

[1] Sir Walter Scott's History of Scotland, vol. i. p. 281.

[2] Mr Gregory, I am happy to see, is about to publish "A History of the Western Highlands and the Hebrides during the Sixteenth and Seventeenth Centuries." Hitherto, all that we know of the history of this most interesting portion of the kingdom, is perplexing, vague, and traditionary. But, from the mass of authentic materials which the industry of the secretary of the antiquaries has collected, a valuable work may at last be expected.

The able work alluded to in the above note appeared in 1836. Its author, in whom I lost a friend always ready to communicate information out of his abundant stores, died in the course of the same year. He was the son of the celebrated Dr Gregory of Edinburgh—the direct descendant of a family long distinguished for hereditary talent of the highest kind.

LETTER I, page 133.

George, Earl of Angus.

It is to be regretted that Godscroft, in his "History of the House of Douglas and Angus," vol. i. p. 287, instead of his own interminable remarks and digressions, had not given us the whole of the ancient ballad in which some indignant minstrel expressed his abhorrence of the deed. One stanza only is preserved:—

"Edinburgh Castle, Town and Tower,
God grant thou sink for sin,
And that even for the black dinner
Earl Douglas gat therein."

The late Lord Hailes, in his Remarks on the History of Scotland, chap. vii., satisfactorily demonstrated "that Archibald, third earl of Douglas, could not, according to the common opinion, have been a brother of James, second earl of Douglas, slain at Otterburn, and that he did not succeed to the earldom in right of blood." He added—"By what means, or under what pretext, George, earl of Angus, the undoubted younger brother of Earl James, was excluded from the succession, it is impossible at this distance of time to determine. During the course of almost a century the descendants of Archibald, third earl of Douglas, continued too powerful for the peace of the crown, or for their own safety. At length, in 1488, the male line ended by the death of James, ninth earl of Douglas, and the honours of Douglas returned into the right channel of Angus." A learned and, as it appears, conclusive solution of this difficulty, appeared in a paper in the *Scots Magazine* for September 1814, where it is shewn that George, earl of Angus, considered by Lord Hailes, by Douglas, and all our genealogical writers, as the legitimate brother of James, earl of Douglas, was an illegitimate son of William, earl of Douglas, and as such had no title to succeed to the earldom. It is to be wished that the same acute antiquary, who has successfully solved this and many other genealogical difficulties, would bring his researches to bear upon some of those obscurer points in the history of the country, which are intimately connected with genealogy, and would derive from it important illustration. The hypothesis, for instance, upon

which I have ventured as to the causes which may have led to the trial and execution of William, sixth earl of Douglas, and his brother David, in 1440, is an example of one of the subjects upon which an intimate knowledge of genealogy might enable its possessor to do much for history.

LETTER K, page 133.

Execution of the Douglases.

The Douglases, along with their unfortunate friend and adherent Malcolm Fleming, were beheaded, according to Gray's MS., "in vigilio Sancte Katerine Virginis—viz, xxiiii. die mensis Novembris anno Domini I^m iiii^c XL." The date in the Extracta ex Veteribus Chronicis Scotiæ agrees with this; but it appears, from the following curious instrument, that Malcolm Fleming was executed, not at the same time as the Douglases, but on the fourth day thereafter:—In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnacione Domini, secundum computacionem Regni Scocie M^mo CCCC^mo XL^mo mensis Januarii die VII. Indictione quarta Pontificatus Sanctissime in Xpo patris et Domini nostri, Domini Eugenii divina providentia Papæ quarti Anno X^mo. In mei Notarii publici et testium subscriptorum presencia personaliter constitut. Nobiles viri Walterus de Buchqwhanane et Thomas de Murhede scutiferi, ac procuratores nobilis viri Roberti Flemyng scutiferi, filii et heredis Malcolmi Flemyng quondam Domini de Bigar, habentes ad infrascripta potestaten et sufficiens mandatum, ut meipso notario constabat per legitima documenta, accedentes ad Crucem fori Burgi de Lithgw, coram Willmo de Howstoun deputato Vicecomitis ejusdem, procuratorio nomine dicti Roberti, falsaverunt quoddam judicium datum seu prelatum super Malcolmum Flemyng, patrem dicti Roberti, super montem Castri de Edynburch, Secundum modum et formam, et propter racionem inferius scriptum, quarum tenor sequitur in wulgar.

We, Waltyr of Buchqwanane and Thomas of Murhede, speciale procurators and actournais, conjunctly and severally, to Robert Flemying, son and ayr to Malcolm Flemying, sumtyme Lord of Bigar, sayis to thee, John of Blayr Dempstar, that the Doyme gyffin out of thy mouth on Malcolm Flemying in a said Courte haldyn befor our soverane Lord^y^e King on the Castle-hill of Edynburch, on Mononday the acht and twenty day of the moneth of November the yere of our Lord M^mo CCCC^mo and fourty zeris, sayande "that he had forfat land, lyff, and gud as chete to the King, and that yow gave for doyme;" that doyme forsaid giffyn out of thy mouth is evyl, fals, and rotten in itself; and here We, the foresaid Walter and Thomas, procurators to the said Robert for hym, and in his name, fals it, adnull it, and again cancel it in thy hand William of Howston Deput to the Sherray of Lithgow, and tharto a borch in thy hand; and for this cause the Courte was unlachfull, the doyme unlachfull, unorderly gyffn, and agane our statut; for had he been a common thef takyn redhand, and haldyn twa Sonys, he sulde haff had his law dayis he askande them, as he did before our Soverane Lord the King, and be this resoune the doyme is evyll giffyn and weil agane said; and her we, the foresaid Walter and Thomas, procurators to the foresaid Robert, protests for ma resounys to be giffyn up be the said Robert, or be his procurators qwhar he acht, in lawfull tyme.

Dictum judicium sic ut premittitur falsatum et adnullatum dicti procuratoris, nomine dicti Roberti, invenerunt plegium ad prosequendum dictas adnullaciones et falsaciones predicti judicii, in manu Roberti Nicholson serjandi domini nostri regis qui dictum plegium recepit. Postmodo vero dicti procuratores offerebant falsacionem adnullacionem dicte judicii sub sigillo præfati Roberti Flemyng dicto Willelmo de Howstoun deputato dicti vicecomitis, qui recipere recusavit, dicendo quod recepcio Ejusdem pertinebat ad Justiciarium, et non ad vicecomitum, et tunc ipsi procuratores continuo publice protestati sunt, quod dicta recusacio nullum prejudicium dicto Roberto Flemyng generaret in futurum. Super quibus omnibus et singulis præfati Walterus et Thomas procuratorio nomine ut supra a me notario publico infrascript sibi fieri pecierunt publicum instrumentum, seu publica instrumenta:

Acta fuerunt haec apud crucem ville de Lithgw hora qū decima ante meridiem Anno, die, mense, Indiccione et Pontificatu quibus supra, presentibus ibidem providis viris, Willelmo de Houston Deputato ut supra, Domino Willmo llane, Domino Johanne person, Presbyteris, Jacobo Forrest et Jacobo Fowlys publico notario cum multis aliis testi-

bus, ad premissa vocatis specialiter et rogatis.

This instrument, which exhibits in a striking light the formal solemnity of feudal manners, is printed from a copy communicated to me by my friend Thomas Thomson, Esq., Depute-clerk Register, and taken from the original in the archives of the Earldom of Wigtown, preserved in the charter-chest of Admiral Fleming at Cumbernauld.

LETTER L, page 141.

Early Connexion between Scotland and the Hanse Towns.

The intercourse of Scotland with the Hanse towns and the commercial states of Flanders took place, as has been shewn in another part of this history, at a very early period. When that portion of the work was written, I was not aware of the existence of an interesting document on the subject of early Scottish commerce, which had been included by Sartorius in his work on the origin of the league of the Hanse towns; for the publication of which, after the death of the author, the world is indebted to the learned Dr Lappenberg of Hamburg; and to which my attention was first directed by Mr J. D. Carrick's Life of Sir William Wallace, published in Constable's Miscellany. The document is a letter from Wallace and Sir Andrew Moray, dated at Badsington in Scotland, evidently a misreading for Haddington, on the 11th of October 1297. It is as follows:—

"Andreas de Morauia et Willelmus Wallensis, duces exercitus regni Scotie et communitas eiusdem Regni, prouidis viris et discretis ac amicis dilectis, maioribus et communibus de Lubek et de Hamburg salutem et sincere dilectionis semper incrementum. Nobis per fide dignos mercatores dicti regni Scotie est intimatum, quod vos vestri gratia, in omnibus causis et negociis, nos et ipsos mercatores tangentibus consulentes, auxiliantes et favorabiles estis, licet, nostra non precesserent merita, et ideo magis vobis teneamur ad grates cum digna remuneracione, ad que vobis volumus obligari; rogantes vos, quatinus preconizari facere velitis inter mercatores vestros, quod securum accessum ad omnes portus regni Scotie possint habere cum mercandiis suis, quia regnum Scotie, Deo regraciato, ab Anglorum potestate bello est recuperatum. Valete. Datum apud Badsingtonam in Scotia, undecimo die Octobris, Anno gracie, millesimo ducentesimo nonagesimo septimo. Rogamus vos insuper vt negocia Johannis Burnet, et Johannis Frere, mercatorum nostrorum promoueri dignemini, prout nos negocia mercatorum vestrorum promovere velitis. Valete dat: ut prius."

The original letter, of which a transcript was communicated by Dr Lappenberg, the editor of Sartorius's work, to Mr Carrick, through Mr Repp, one of the assistant librarians of the Faculty of Advocates, is still preserved among the archives of the Hanseatic city of Lubeck. "It appears," says Dr L. "to be the oldest document existing relative to the intercourse of Hamburg and Lubeck, or other Hanseatic cities, with Scotland." It is much to be wished that a correct fac-simile of it should be procured. The battle of Stirling, in which Wallace defeated Cressingham, was fought on the 3d of September 1297. A great dearth and famine then raged in Scotland, and Wallace led his army into England.[1] The letter to the cities of Lubeck and Hamburg was evidently written on the march into Northumberland, which corroborates the reading of Haddington, a town lying directly in the route of the army, for Badsington, a name unknown to Scottish topography. In Langtoft's Chronicle, a high authority, we meet with a corroboration of Wallace's mission to Flanders, immediately after the battle of Stirling:—

After this bataile, the Scottis sent over the se
A boye of ther rascaile, quaynt and dēguise[2]
To Flandres bad him fare, through burgh and cite,
Of Edward where he ware to bryng them cer teynte.[3]

It is probable that this boy or page, who was sent to spy out the motions of Edward, was the bearer of the letter to the cities of Lubeck and Hamburg. We possess now four original deeds granted by Wallace: The above letter to Lubeck and Hamburg—the protection to the monks of Hexham, dated the 8th of November 1297—the passport to the same monks—and the famous grant, published by Anderson in his Diplomata, plate xliv., to Alexander Skirmishur, of the office of Constable of the castle of Dundee, for his faithful service, in bearing the royal standard in the army of Scotland. It is curious to mark the progressive style used by Wallace in

[1] Fordun a Goodal, vol. ii. pp. 171, 172.
[2] Disguised. [3] Langtoft, vol. ii. p. 298.

these deeds. In the first, the letter to the Hanse Towns, dated 11th October 1297, it is simply commander of the army of Scotland, "Dux exercitus regni Scotiæ." In the second, dated 7th November 1297, he is "Leader of the army of Scotland, in the name of an illustrious prince, Lord John, by the grace of God, King of Scotland, by the consent of the community of the same kingdom,"[1] In the third, which is dated at Torphichen, the 29th March 1298, we no longer find Andrew Moray associated in the command of the army with Wallace; his style is simply William Wallace, Guardian of the Kingdom of Scotland, and leader of the armies of the same, in the name of an excellent prince, Lord John, by the grace of God, the illustrious King of Scotland.

With the exception of this valuable document, I am not aware that there exist any additional letters or charters relative to the early commerce between Scotland and the Hanse towns, till we arrive at the first quarter of the fifteenth century, during which repeated complaints were made on the part of the associated cities, that the Scots had plundered their merchantmen. In consequence of this they resorted to reprisals; the members of the league were prohibited from all intercourse with the Scots; and every possible method was adopted to persecute and oppress the merchants of this country, wherever the Hanseatic factories were established; for example, in Norway, and in Flanders, to which the Scots resorted. It is ordered by a Hanse statute of the year 1412, that no member of the league should purchase of Scotsmen, either at Bruges or any other place, cloth either dressed or undressed, or manufactured from Scottish wool; whilst the merchants of the Hanse communities who did not belong to the league, were forbid to sell such wares in the markets of the leagued towns. It would appear that these quarrels continued for upwards of ten years, as in 1418 the Compter at Bruges was enjoined, under pain of confiscation, to renounce commercial intercourse with the Scots, till all differences were adjusted; from which we may fairly conclude, that the Bruges market was the principal emporium of trade on both sides. A few years after this, in 1426, the prohibition of all trade with the Scots was renewed, unless they consented to an indemnification for damages already sustained. At a still later period, in 1445, it appears that the Bremeners had captured, amongst other vessels, a ship coming from Edinburgh, laden with a cargo of cloth and leather; and in the course of the same year, a commission was issued by James the Second, to certain Scottish delegates, empowering them to enter into negotiations with the towns of Bremen, Lubeck, Hamburg, Wismar, Stralsund and Rostock, regarding the termination of all such disputes. The original commission, which has never been printed in any English work, is preserved in the archives of the city of Bremen, and is to be found in a rare German pamphlet, or Thesis, which was discovered and communicated by Sir William Hamilton to Mr Thomson, to whom I am indebted for the use of it. It is as follows:—

"Jacobus Dei gratia Rex Scotorum. Universis ad quorum noticiam presentes literæ pervenerint, salutem. Sciatis quod nos ex matura deliberatione nostri parliamenti, de fide et legalitate delectorum, et fidelium nostrorum, Thome de Preston, scutiferi et familiaris nostri Johannis Jeffrason et Stephani Huntare, cumburgensium burgi nostri de Edinburgh, ac Andree Ireland, burgensis burgi nostri de Perth, plurimum confidentes, ipsos, Thomam, Johannem, Stephanum, ac Andream, nostros commissarios, deputatos, et nuncios speciales fecimus, constituimus, et ordinavimus. Dantes et concedentes eisdem Thome, Johanni, Stephano, et Andree, et eorum, duobus, conjunctim, nostram plenariam potestatem et mandatum speciale ad comparendum coram nobilibus et circumspecte prudentie viris burgimastris, Scabinis et consulibus civitatum, villarum, et oppidorum de Lubec, Bremen, Hamburg, Wismere, Trailsond, et Rostock, seu ipsorum et aliorum, quorum interest commissariis et deputatis sufficientem potestatem habentibus, ad communicandum, tractandum, concordandum, componendum, appunctuandum, et finaliter concludendum, de et super spoliatione, bonorum restitutione, lesione et interfectione regni nostri Mercatorum per Bremenses anno revoluto in mare factorum, et perpetratorum, ac literas quittancie pro nobis et dictis nostris mercatoribus dandi et concedendi, ac omnia alia, ac singula faciendi, gerendi et exercendi, que in premissis necessaria fuerint, seu opportuna. Ra-

[1] Knighton, p. 2521. Apud Twysden x. Scriptores, vol. ii.

tum et gratum habentes, pro perpetuo habituri quicquid dicti nostri commissarii vel eorum duo conjunctim in premissis duxerint faciendum. Datum sub magno sigillo nostro apud Edynburgh, decimo quarto die mensis Augusti, anno domini millesimo quadragintesimo quadragesimo quinto, et regni nostri nono."

In consequence of this commission, the following treaty, included in the same rare tract, was entered into on the 16th October 1445. It is drawn up in an ancient dialect of Low German, still spoken in those parts. For its translation—a work which I believe few scholars in this country could have performed—I am indebted to the kindness and learning of my friend Mr Leith.

LETTER OF THE SCOTTISH AMBASSADORS CONCERNING THE RECONCILIATION OF THE TOWN OF BREMEN WITH THE SUBJECTS OF THE KINGDOM OF SCOTLAND, AND THE TREATING OF THE DAMAGE WHICH THEY HAD OCCASIONED EACH OTHER.

"We, John Jeffreson, Stephen Hunter, provost of Edinburgh, and Andrew Ireland, bailie of Perth, ambassadors and procurators plenipotentiary of our most gracious beloved master, the most illustrious prince and lord, James king of Scots, of the noble city of Edinburgh, and others of his towns and subjects, acknowledge and make known openly in this letter, and give all to understand, who shall see it, or hear it read.

"Since those of Bremen, in years but lately past, took on the sea, from the subjects of the afore-mentioned most powerful prince and lord, the King of Scots, our gracious beloved lord, a certain ship, laden with Scottish cloth, and in order that all capture, attack, and damage, which have happened to ships, people, or goods, wherever they have taken place, and that all other damage which has happened to the kingdom of Scotland, and the subjects of the said kingdom, on the part of those of Bremen, or their people, up to the date of this letter, may be removed:

"And also, in order to compensate for, to diminish, and extinguish, any great and remarkable damage which they of Bremen have suffered and received in former years and times, from the subjects of the afore-mentioned lord the king:

"Therefore, have we, the above-mentioned John, Stephen, and Andrew, by the grace, full powers, and command of our afore-mentioned gracious and beloved lord the king, and others of his towns and subjects, procurators plenipotentiary, (according to the contents of all their procuratories, together with that of his royal gracious majesty, sealed with all their seals, which we have delivered over to the afore-mentioned people of Bremen, and received answer,) negotiated, effected, and made conditions of a friendly treaty, with the honourable burgermeister and counsellors of Bremen, in all power, and in the manner as hereafter is written.

"Although the afore-mentioned people of Bremen, in strict right, as also on account of the delay which has taken place, and also on account of the great damage which they have suffered in former years from the said kingdom, could not be bound, and were not bound, yet on account of their affection to, and to please the afore-mentioned, our most gracious lord, and his royal grace, and for the sake of peace, and an equitable treaty, the same people of Bremen, to compensate for the expense, wear, and great inconvenience, which then was occasioned, have given us, and do presently give a Butse,[1] called the *Rose*, with anchors, tackling, and ropes, as she came out of the sea, and thereunto forty *measures* of beer; and therewith shall all attack, damage, and hurt, which they of Bremen and their allies have done to the kingdom of Scotland, and the subjects of the said kingdom, up to the date of this letter, whether the damage may have been done to crews, goods, or ships, and wherever the damage may have been received, be declared to be compensated for, acquitted, and completely forgiven.

"And, in like manner also, shall all attack, damage, and hurt, which they of Bremen, in these years, have suffered from the kingdom of Scotland, and the subjects of the said kingdom, and particularly that which happened to one of their *coggen*[2] which was lost

[1] Butse, a particular kind of ship. Herring busses is a term frequently used in the Acts of Parliament.

[2] Coggen, another kind of ship, of some particular build, used for warlike as well as for mercantile purposes. Kreyer and kreyger can only be explained in the same general way.

in the Firth, and to a *kreyer* lost near Wytkopp, and to a *kreyger* lost near the Abbey of Arbroath, and other ships, which damage those of Bremen estimated, and said they had suffered, to the amount of six thousand nobles, the same shall also be held acquitted and compensated for.

"And we, the above-mentioned John, Stephen, and Andrew, procurators plenipotentiary, by power and grace of our gracious lord the king, his towns, and subjects, and according to the contents of our procuratories, do acquit, and have acquitted all and each one of the afore-mentioned persons of Bremen, and their allies, by power and might of this letter, of all the afore-mentioned damage and attacks, let it have happened when and where it will, and wherever it may have been received, in all time afore this, and will never revive the same complaints, either in spiritual or secular courts.

"Furthermore is agreed, negotiated, and settled, that if it should be that the subjects and merchants of the above-mentioned kingdom, should ship any of their goods in bottoms belonging to powers hostile to Bremen, and the privateers[1] of Bremen should come up to them on the sea, so shall the above-mentioned Scots and their goods be unmolested, with this difference—if it should be that enemy's goods were in the ship, such goods shall they, on their oaths, deliver over to those of Bremen; and the ship, crew, and freight shall be held to ransom for a certain sum of gold, as they shall agree with the allies[2] of those of Bremen, and these shall allow the ship, with the crew and the goods of the Scots, to sail away to their destined market. And further, shall all the subjects and merchants of the above-mentioned most mighty prince and lord, the King of Scots, our most gracious and beloved master, as also those of Bremen and their merchants, visit, touch at, and make use of the ports and territory of the said kingdom of Scotland, and of the said town and territory of Bremen, with their merchant vessels, velinqen,[3] lifes, and merchandise, with security, and under good safe-conduct, and velichkeit,[4] as they have been used to do in peace and love for long years before.

"For the greater authenticity and truth of this document, have we, John Jeffreson, Stephen Hunter, and Andrew Ireland, ambassadors and procurators plenipotentiary, affixed our true seals to this letter.

"Given and written after the birth of Christ our Lord, fourteen hundred years, and thereafter in the fortieth and fifth, on the day of St Gall, the holy abbot, (d. 16 Oct.)"

[1] Redliggere. [2] Vrunden.
[3] Unknown. [4] Unknown.

LETTER M, page 161.

James, ninth Earl of Douglas.

As this authentic and interesting document has never been published, it may properly be included amongst the Notes and Illustrations of this history. It is taken from the manuscript volume preserved in the Library of the Faculty of Advocates at Edinburgh, entitled, "Sir Lewis Stewart's Collections," a 4, 7, p. 19.

Appoyntement betwixt James II. and James Earle Douglas.

Be it kend till all men be thyr present letters, me James, Earle of Douglas, to be halden and obleist, and be thir present letters, and the faith in my body, lelie and truelie binds and obliges me till our sovereane Lord James, be the grace of God, King of Scotland, that I shall fulfill, keep, and observe all and sundrie articles, and condeciones, and poyntis underwrittin. That is to say—in the first, I bind and oblige me till our said soverayne lord, that I shall never follow nor persew, directly nor indirectly, be law, or any other maner of way, any entrie in the lands of the earldome of Wigtone, with the pairtinents or any part of them, untill the tyme that I may obtaine speciall favour and leicence of oure soverayne Lady Mary, be the grace of God, Queen of Scotland, be letter and seal to be given and maid be hir to me thairupon. And in the samen wise, I bind and obliss me to our soverayne lord, that I shall never persew nor follow, directly nor indirectlie, the lands of the lordshipe of Stewartoun, with the pertinents, or any pairt of them, the whilk wer whilum the Dutches of Turinies, until the time that I may obtaine our soverayne lord's special licence, grace, and favour of entrie in the said lands; and alswa, I bind and oblidge me till our soverayne lord, to remitt and forgive, and be thir present letters fullie remitts and forgives, for evermair, for me, my brother, and the Lord Hamiltoune, and our (enver-

dance) all maner of rancour of heart, malice, fede, malgre, and invy, the quhilk I or any of us had, hes, or may have in tyme to come, till any of our said soverane lord's lieges, for any actions, causes, or querrels bygane, and speciallie till all them that had arte or parte of the slaughter or deid of whylum William, Earle of Douglas, my brother, and shall take thay personnes in heartlines and friendship at the ordinance and advyce of our said soverayne lord.

And outter, I bind and obliss me till our said soverayne lord, that all the tenants and maillers being within my lands quatsomever, sall remane with thair tacks and maling quhile Whitsonday come a year; except them that occupies the grangis and steids whilk war in the hand of the said Earle William, my brother, for his own proper goods the tyme of his decease, and yet thay persones to remaine with thyr tacks, at our said soverayne lord's will, of the said granges and steids while Whitsonday next to come; and alswa I bind and oblige me to our said soverayne lord to revock, and be thir present letters revocks, all leagues and bands, if any hes been made be me in any tyme bygane, contrare to our said soverayne lord; and binds and obliss me, that I shall make na band, na ligg in tyme coming, quhilk sall be contrar til his hienes. Alswa I bind and obliss me till our said soverayne lord, to remitt and forgive, and be thir present letters remitts and forgives till his hienes all maner of maills, goods spendit, taken, sould, or analied be him or his intromitters, in any manner of wayes before the xxii day of the moneth of July last bypast, before the makyng of thir present letters. And if any thing be tane of the good of Gallaway, I put me thairof, to our said soveraigne lady, the Queen's will. Alswa I bind and oblige me to our said soveraigne lord, that I shall maintaine, supplie, and defend the borders and the bordarars, and keep the trewes taken, or to be taken, at all my guidly power, and in als far as I aught to do as wardane or liegeman till him. Alswa I bind and oblidge me to doe to our said soverane lord, honor and worschip in als far as lyes in my power, I havand sic sovertie as I can be content of reasoun for safety of my life. Item, I oblige me that all harmes done, and guides taken under assurance be mandit and restored. In witness of the whilk thing, in fulfilling and keeping all and sundrie articles, poynts, and conditiones beforr written in all manier of forme, force, and effect, as is aforsaid, all fraud and guile away put, I the said James, for me, my brother, and the Lord Hamiltoune, and all our pairts, (averdance,) to ther present letters sett my seall, and for the mair sickerness the haly evangillis twichit, hes given our bodily oath, and subscryved with my own hand at Douglas, the xxviii day of the month of Agust, the year of our Lord jm. four hundreth and feftie-twa years.

Sic subscribitur,
JAMES, EARLE DOUGLAS.
JAMES, LORD HAMILTONE.

Sir Lewis Stewart does not say where the original is preserved; but his transcript is evidently much altered and modernised in the spelling.

LETTER N, page 165.

"Eodem anno Comes Moraviæ frater Comitis de Dowglas cum fratre suo Comite de Ormont, et Johannes Douglas eorundem fratre intraverunt Ananderdaill et illam depredati sunt; et spolia ad matrem in Karleil portarunt, presentantes. Quibus (dominus) de Johnston cum ducentis occurrit, et acriter inter illos pugnatum est. In quo conflictu dominus Comes Moraviæ occiditur, et caput ejus regi Jacobo presentabatur, sed rex animositatem viri commendabat, licet caput ignorabat. Occisus eciam fuit Comes de Ormont. Tunc convocato Parliamento annexæ erant illorum terræ, Coronæ regiæ, viz. Ettrick forest, tota Galvaia, Ballincreiff, Gifford, cum aliis multis dominiis Eorundem."

The manuscript from which this extract is taken, and which has never been printed, is preserved in the Library of the University of Edinburgh. A. C. c. 26.

LETTER O, page 195.

Rise of the Power of the Boyds.

The remarkable indenture quoted in the text is preserved amongst the archives of the earldom of Wigtown, in the charter-chest of Admiral Fleming at Cumbernauld.

As only twenty copies of it, printed for private circulation, exist, I am happy to render it more accessible to the Scottish antiquary. It is as follows:—

"Yis indentour, mad at Striuelyn, the tend day of februar, the zer of God

a thousand four hundreth sixty and fyf zeris, betwyx honourable and worschipful lordis, yat is to say, Robert, Lord Flemyng on ye ta pairt, and Gilbert, Lord Kennedy and Sir Alexander Boid of Duchal, knight, on the todir pairt, yat yai ar fullelie accordit and appointit in maner and form as eftir followis: Yat is to say, yat ye said lordis ar bundyn and oblist yaim selfis, yair kyn, friendis, and men, to stand in afald kendnes, supple, and defencs, ilk an til odir, in all yair caussis and querrell leifull and honest, movit and to be movit, for all ye dais of yair liffis, in contrery and aganis al maner of persones yat leiff or dee may; yair allegiance til our soueran lord alanerly outan, excepand to the lord flemyng, his bandis mad of befoir, to ye Lord Levynston, and to yhe lord Hamilton, and, in lyk maner, excepand to the saidis lordis kennedy and Sir Alexander, yair bandis mad of befoir, til a reverend fadir in Crist, master patrik the graham, bischop of Sanctander, ye Erle af Crawford, ye lord mungumer, the lord maxvel, the lord boid, the lord levynston, the lord hamilton, and the lord Cathcart. Item, yat the said lord flemyng salbe of special service, and of cunsail to the kyng, als lang as the saidis lordis kenedy and Sir Alexander ar speciall seruandis and of cunsail to ye kyng; the said lord flemyng kepand his band and kyndnes to the foirsaidis lord kennedey and Alexander, for al the foirsaid tym: And attour, the said lord flemyng is oblist yat he sal nodir wit, consent, nor assent, til, (avas,) nor tak away the kyngis person fra the saidis lord kenedy and Sir Alexander, nor fra na udyr yat yai leff, and ordanis to be doaris to yaim, and keparis in yair abcens; and gif the said lord flemyng getis, or may get, ony bit of sic thyng to be done in ony tym, he sal warn the saidis lord kennedy and Sir Alexander, or yair doars in do tym, or let it to be done at all his power; and tak sic part as yai do, or on an of yaim for ye tymin, ye ganstandyng of yat mater, but fraud and gil; and the said lord fleming sal adwis the kyng at al his pertly power wycht his gud cunsail, to be hertly and kyndly to the foirsaidis lord kenedy and Sir Alexander, to yair barnis and friendis, and yai at belang to yaim for ye tym. Item, giff yair happynis ony vakand to fall in the kyngis handis, at is a resonable and meit thyng for the said lord flemyngis seruice, yat he salbe furdirit yairto for his reward: and gif yair happynis a large thyng to fal, sic as vard, releiff, marriage, or offis, at is meit for hym, the said lord flemyng sal haff it for a resonable compocicion befoir udir. Item, the saidis lord kennedy and Sir Alexander sal haff thom of Sumerwel and wat of twedy, in special mantenans, supple, and defencs, in all yair accionis, causs, and querrel, leful and honest, for the said lord flemyngis sak, and for yair seruis don and to be don, next yair awyn mastiris, yat yai wer to of befoir. And, at all and sundry thyngis abovn writtyn salbe lelily kepit, bot fraud and gil, ather of yhe pairtis hes geffyn till udiris, yair bodily aithis, the hali evangelist tuychit, and enterchangable, set to yair selis, at day, yheir, and place abovn written."

LETTER P, p. 222, and Q, p. 227.

Revolt of his Nobility against James the Third, in 1482.

The history of this revolt of the nobles against James the Third, as it is found in the pages of Lesley and Buchanan, furnishes a striking example of the necessity of having access to the contemporary muniments and state papers of the period, as the materials from which historical truth must be derived. Lesley was a scholar and a man of talent—Buchanan a genius of the first rank of intellect; yet both have failed in their attempt to estimate the causes which led to the struggle between James and his barons; and it is not, perhaps, too much to say that the narrative of Buchanan, where he treats of this period, is little else than a classical romance. The extent of Albany's treasonable correspondence with Edward the Fourth, his consent to sacrifice the independence of the kingdom, his actual assumption of the title of king, and the powerful party of the nobles by whom he was supported, are all of them facts unknown to this historian, and which the publication of the "Fœdera Angliæ" first revealed to the world. Instead of these facts, which let us into the history of the proceedings of both parties in the state, and afford a pretty clear notion of the motives by which they were actuated, we are presented by Buchanan with a series of vague and scandalous reports, calculated to blacken the memory of the king, arising at first out of the falsehoods propagated by Albany and the nobles of his faction, against the monarch whom they had deter-

mined to dethrone, increased by the credulous additions of the common people, and invested by him with all the charms of style which his sweet and classic muse has so profusely scattered over his history. "Hæ quidem in acta publica causæ sunt redactæ. Verum odium regis ob causam privatam conceptum plus ei (*i.e.* Domino Crichtonio) nocuisse creditur. Erat Gulielmo uxor e nobile Dumbarorum familia nata, absque insigni pulchritudine. Eam cum a rege maritus corruptam comperisset, consilium temerarium quidem sed ab animo amore ægro et injuria irritato non alienum suscepit. Minorem enim e regis sororibus, et ipsam quoque forma egregia et consuetudine fratris infamem, compressit, et ex ea Margaritam Crichtonium quæ non adeo pridem decessit genuit." B. xii. cli. For this complicated tale, which throws the double guilt of adultery and incest upon the unfortunate monarch, there is no evidence whatever; and of the first part of it, the inaccuracy may be detected. William, third Lord Crichton, did not marry a daughter of the noble house of Dunbar. The Lady Janet Dunbar was his mother, not his wife. (Douglas's Peerage, vol. i. p. 609. Crawford's Officers of State, p. 311. Sutherland case, by Lord Hailes, c. vi. p. 81.) On the other hand, it seems almost certain that William, third Lord Crichton, the associate of Albany, of whom Buchanan is speaking, did marry Margaret, sister to James the Third; but the dark aspersion of her previous connexion with her brother the king, is found, as far as I have yet seen, in no historian prior to Buchanan, not even in the credulous Boece, whose pages are sufficiently hostile to James the Third, to induce us to believe that the story would not have been neglected. That the treaty of Albany with Edward the Fourth, and his assumption of the royal title, should have been unknown to Buchanan and Lesley, to whom all access to the original records was probably impossible at the time they wrote, is not extraordinary; but it is singular that the circumstances illustrative of this period of our history should have escaped the notice of Mr Aikman, the latest translator of Buchanan. As to Lesley, the causes which he assigns for the hostility of the nobility to James and his favourites, are his having suffered Cochrane to debase the current coin, by the issue of copper money, unmeet to have course in the realm—the consequent dearth and famine throughout the country—his living secluded from his queen and his nobles, and his entertaining, in place of his royal consort, a mistress, named the Daisy—the slaughter of the Earl of Mar, his brother—and the banishment of the Duke of Albany. With regard to the first of these subjects of complaint, the issue of a new copper coin, the fact is certain, and the discontent and distress which it occasioned cannot be doubted. In the short Chronicle at the end of Winton's MS. Reg. 17, d. xx., printed by Pinkerton, Appendix, vol. i. p. 502, Hist. of Scotland, is the following passage:—"Thar was ane gret hungyr and deid in Scotland, for the boll of meill was for four pounds; for thair was black cunye in the realm strikin and ordynit be King James the Thred, half pennys, and three penny pennys innumerabill, of copper. And thai yeid twa yier and mair: And als was gret weir betwix Scotland and England, and gret distruction thro the weiris was of corne and cattel. And thai twa thyngs causyt bayth hungar and derth, and mony puir folk deit of hunger. And that samyn yeir, in the moneth of July, the Kyng of Scotland purposyt till haif passit on gaitwart Lawdyr: and thar the Lords of Scotland held thair counsaill in the Kirk of Lawdyr, and cryit doune the black silver, and thai slew ane pairt of the Kyng's housald; and other part thai banysyt; and thai tuke the Kyng himself, and thai put hym in the Castell of Edinburgh in firm kepyng. . . . . And he was haldyn in the Castell of Edynburgh fra the Magdalyne day quhill Michaelmas. And than the wictall grew better chaip, for the boll that was for four pounds was than for xxii. sh. of quhyt silver." The circumstance of crying down the black money is corroborated by the act passed in the parliament of 1473, c. 12, "and as touching the plakkis and the new pennys, the lordis thinkis that the striking of thame be cessit. And they have the course that they now have unto the tyme that the fynance of them be knawin. And whether they halde five shillings fyne silver of the unce, as was ordainit by the King's hieness, and promittet by the cunzeours."[1] So far the narrative of Lesley is supported by authentic evidence, but that Cochrane was the adviser of this depreciation of the current

[1] Acts of the Parliament of Scotland, vol. ii. p. 105.

coin does not appear in any contemporary record; and the assertion of James's attachment to a mistress, called the Daisy, who had withdrawn his affections from the queen, rests solely on the authority of the later and more popular historians.

LETTER R, page 245.

Inventory of the Jewels and Money of James the Third.

As the inventory referred to in the text is valuable, from the light which it throws upon the wealth and the manners of Scotland at the close of the fifteenth century, I am sure the antiquarian, and I trust even the general reader, will be gratified by its insertion. It is extracted from the accounts of the Lord High Treasurer of Scotland, and a few copies have been already printed, although not published, by Mr Thomson, to whom this volume is under repeated obligations, and who will not be displeased by its curious details being made more generally accessible to the public.

INVENTARE OF ANE PARTE OF THE GOLD AND SILVER, CUNYEIT AND UNCUNYEIT, JOWELLIS, AND UTHER STUFF, PERTENING TO UMQUHILE OURE SOVERANE LORDIS FADER, THAT HE HAD IN DEPOIS THE TYME OF HIS DECEIS, AND THAT COME TO THE HANDIS OF OUR SOVERANE LORD THAT NOW IS.

M.CCCC.LXXXVIII.

MEMORANDUM deliuerit be dene Robert hog channoune of halirudhouse to the thesaurar, tauld in presens of the chancellar, lord Lile, the prior of Sanctandrois, in a pyne pig[1] of tynn.

In the fyrst of angellis twa hundreth four score & v angellis
Item in ridaris nyne score and aucht ridaris
Item in rialis of France fyfty and four
Item in unicornis nyne hundrethe & four score
Item in demyis & Scottis crounis four hundreth & tuenti
Item in rose nobilis fyfti and four
Item in Hari nobilis & salutis fourti & ane
Item fyftene Flemis ridaris
Item tuelf Lewis
Item in Franche crounis thre score and thre
Item in unkennyt[2] golde ——— thretti pundis

Memorandum, be the command of the king, thar past to the castell to see the jowalis, silver money, & uther stuff, the xvii day of Junii, the yer of god one thousand four hundreth and eighty-eight yeris, thir persouns under writtin, that is to say

The erle of Angus
The erle of Ergile
The bischope of Glasgw
The lord Halis
The lord Home
The knycht of Torfichane thesaurar

Memorandum, fund be the saidis personis in the blak kist, thre cofferis, a box, a cageat.[3]
Item fund in the maist of the said cofferis, lous & put in na thing, bot liand within the said coffyr, fyve hundreth, thre score ten rois nobilis, and ane angell noble
Item in a poik of canves, beand within the said coffre, of angell nobilis, sevin hundreth and fyfty angelis
Item in a litill purs, within the said coffre, of quarteris of rois nobilis, sevin score nyne rois nobilis, a quarter of a nobill
Item in a little coffre, beand within the said coffre, of rois nobilis sevin hundreth fyfty & thre nobilis
Item in a litill payntit coffre, beand within the said blak kist, of Henry nobilis a thousand thre hundreth, and sevintene nobillis
Item in ane uther coffre, beand within the said blak kist, a poik of canves, with demyis contenand aucht hundreth, ane less
Item in a box, beand within the said blak kist, the grete bedis of gold, contenand six score twa bedis, and a knop
Item in the said box, a buke of gold like ane tabell, and on the glasp of it, four perlis, and a fare ruby
Item in the said box the grete diamant, with the diamantis sett about it
Item in the said box, a thing of gold with a top like a tunnele
Item in the same box a stomok,[4] & on

[1] Pyne Pig; perhaps our modern Scots "penny pig."

[2] Gold of unknown denomination.

[3] Cageat—casket. Jamieson, who quotes this inventory.

[4] Stomok—stomacher. Jamieson.

it set a hert, all of precious stains, & perle
Item in a trouch[1] of cipre tre within the said box, a point maid of perle, contenand xxv perle with hornis of gold
Item twa tuthpikis of gold with a chenye, a perle, & erepike, a moist ball of gold, ane hert of gold, with uther small japis[2]
Item in a round buste, within the said box, a cors of gold, with four stanis. Item a collar of gold, twa glassis with balme
Item in a litill paper, within the said box, ane uche, with a diamant, twa hornis, four butonis horse nalis blak
Item ane uche[3] of gold, like a flour the lis, of diamantis & thre bedis of gold, a columbe of gold & twa rubeis.
Item in a cageat, beand within the said blak kist, a braid chenye, a ball of cristal
Item a purs maid of perle, in it a moist ball,[4] a pyn[5] of gold, a litill chenye of gold, a raggit staff, a serpent toung sett
Item in the said cageat, a litill coffre of silver, oure gilt, with a litil saltfat[6] and a cover
Item a mannach[7] of silver
Item in a small coffre, a chenye of gold, a hert of gold, anamelit, a brassalet of gold, sett with precious stanis
Item a collar of gold maid with eliphantis and a grete hingar at it
Item sanct Michaell of gold with a perle on his spere
Item a quhissill[8] of gold
Item a flour the lys of gold
Item a ryng with a turcas[9]
Item a small cors with twa pecis of gold at it
Item a grete precious stane
Item a litil barrell maid of gold
Item twa berialis, and a grete bene
Item in a litill coffre, a grete serpent toung, set with gold, perle, & precious stanis, and twa small serpent toungis set in gold, and ane ymage of gold
Item in ane uther coffre, beand within the blak kyst, ane roll with ringis, ane with a grete saffer,[10] ane emmorant,[11] a stane of pillar, and ane uther ring
Item in the same coffre ane uther roll with ringis, ane with a grete ruby, & uther iiii ringis
Item ane uther roll with ringis in it, of thame, thre grete emmorantis, a ruby, a diamant
Item a roll of ringis, ane emmorant, a topas, & a diamant
Item ane uther roll of ringis, ane with a grete turcas, and ane uther ring
Item a roll with sevin small ringis, diamantis, rubeis, & perle
Item a roll with ringis, a turcas, a stane of pillar, & a small ring
Item a roll with ringis, a ruby, a diamant, twa uther ringis, a berial[12]
Item in ane uther small coffre, within the said blak kyst, a chenye with ane uche, in it a ruby, a diamant, maid like a creill
Item a brasselat of gold, with hede & pendes[13] of gold
Item sanct Antonis cors, and in it a diamant, a ruby, and a grete perle
Item a grete ring with a topas
Item a wodward[14] of gold with a diamant
Item ane uche of gold, maid like a rose of diamantis
Item a kist of silver, in it a grete cors, with stanis, a ryng, a berial hingand at it
Item in it the grete cors of the chapell, sett with precious stanis

Memorandum, fundin in a bandit kist like a gardeviant,[15] in the fyrst the grete chenye of gold, contenand sevin score sex linkis
Item thre platis of silver
Item tuelf salfatis
Item fyftene dischеis ouregilt
Item a grete gilt plate
Item twa grete bassingis ouregilt
Item four masaris,[16] callit king Robert the Brocis, with a cover
Item a grete cok maid of silver
Item the hede, of silver, of ane of the coveris of masar
Item a fare diaile
Item twa kasis of knyffis
Item a pare of auld knyffis

Item takin be the smyth that opinnit the lokkis, in gold fourty demyis

1 Trouch—a deep long box.
2 Japis—playthings, trifles.
3 Uche—brooch. Not in Jamieson.
4 A moist ball—a musk ball.
5 Pyn—pin.
6 Saltfat—saltcellar.
7 Unknown; perhaps a little man. Not in Jamieson.
8 Quhissill—whistle.
9 Turquois.
10 Sapphire.
11 Emerald.
12 Beryl.
13 Pendants.
14 Unknown.
15 Cabinet. Jamieson.
16 Drinking cups. An interesting item—four drinking cups of Robert the Bruce's.

Item in Inglys grotis —— xxiiii li. & the said silver gevin agan to the takaris of hym

Item ressavit in the cloissat of Davidis tour[1] ane haly water fat of silver, twa boxis, a cageat tume, a glas with rois water, a dosoune of torchis,[2] king Robert Brucis serk[3]

Memorandum, gottin in the quenis kist, quhilk come fra Striveling, in a litill coffre within the same, In the fyrst a belt of crammassy[4] hernessit with gold & braid
Item a braid belt of blak dammas, hernessit with gold
Item a small belt of claith of gold, hernessit with gold
Item a belt of gold, unhernessit
Item twa bedis of gold
Item a litill belt of gold, hernessit with gold

Item in a box beand within the said kist, a collar of cassedonis, with a grete hingar of moist, twa rubeis, twa perlis contenand xxv small cassedonis set in gold
Item a cheyne of gold maid in fassone of frere knottis,[5] contenand fourti four knottis.
Item a pare of bedis of gold contenand fyfti and sex bedis
Item a grete cheyne of gold, contenand of linkis thre score and a lynk
Item ane uther cheyne of gold gretar, contenand fifti and aucht linkis
Item a frete[6] of the quenis oure set with grete perle, sett in fouris & fouris
Item viii uchis of gold sett with stanis & perle
Item tuenti hingaris of gold set with rubeis
Item a collar of gold fassonit like roisis anamelit
Item a serpent toung, & ane unicorne horne, set in gold
Item a grete hingar of gold with a ruby
Item a grete ruby set in gold
Item a hingar with a diamant & a grete perle
Item a diamant set in gold
Item a small chenye w^t ane hingar set with diamantis in maner of M. and a grete perle
Item a grete safer set in gold
Item a hert of gold with a grete perle at it
Item a small chenye with ane hingar of rois & diamant
Item ane hingar of gold with twa perle without stanis
Item in a clout nyne precious stanis unsett

Item in a box in the said kist a collar of gold, with nynetene diamantis
Item a coller of rubeis, set with threis of perle contenand xxx perlis and xv rubeis with ane hinger, a diamant, and a grete perle
Item ane ege of gold with four grete diamantis pointit and xxviii grete perlis about thame
Item ane uther grete ege with viii rubeis and xxxvi perlis grete

Item in the said kist of the quenis ane string of grete perle contenand fyfti & a perle, and stringis of small perle
Item twa lingattis[7] of gold
Item sex pecis of the said chenye of gold frere knottis
Item twa grete ringis with saferis
Item twa ringis with turcacis
Item a ring with a paddokstane with a charnale[8]
Item a ring with a face
Item a signet & na thing in it
Item thre small ringis with rubeis
Item fyve ringis with diamantis
Item a cassit coller of gold, maid like suannis, set in gold, with xvi rubeis, and diamantis, and viii quhite suannis & set with double perle
Item a grete round ball, in maner of a chalfer, of silver ouregilt
Item a levare[9] of silver ouregilt with a cover
Item a cop with a cover ouregilt & punchit
Item thre brokin gilt pecis of silver
Item thre quhite pecis, a fut & a cover of silver ouregilt
Item a grete vice nail maid of silver
Item twa brokin platis of silver and a dische

Item in a gardeviant in the fyrst a grete hosterage fedder[10]
Item a poik of lavender
Item a buke with levis of golde with xiii levis of gold fulye

[1] David's Tower, in the castle.
[2] Unknown; perhaps turquoises.
[3] Perhaps his mail shirt.
[4] Crimson.
[5] Friar's beads.
[6] A large hoop or ring.
[7] Ingot. [8] A hinge. [9] Laver.
[10] Ostrich feather.

Item a covering of variand purpir tarter, browdin with thrissillis & a unicorne
Item a ruf & pendiclis of the same
Item a pare of metingis[1] for hunting
Item the surples of the robe riall
In ane uther gardeviant, in the fyrst a lamp of silver, a corperale with a cais.
Item thre quhippis[2] and twa bukis

Memorandum, gotten in a box quhilk was deliverit be the countas of Athole, and tauld in presens of the chancellar, lord Lile, the prior of Sanctandrois & the thesaurar. In the fyrst in a purs of ledder within the said box thre hundreth rois nobilis of the quhilkis thare is vii Hari nobilis
Item in the same purs of half rois nobillis fyve hundreth hail rois nobilis, sextene rois nobillis
Item gottin in ane uther box, fra the said countas, the xxi day of Junii, in a canves poik, within the said box, tuelf hundreth & seven angel nobilis[3]
Item in ane uther purs, of ledder, beand in the same box, ane hundreth angelis
Item in the same purs, thre hundreth fyfti & sevin demyis

Memorandum, fund in a blak coffre quhilk was brocht be the abbot of Arbroth, in the first the grete sarpe[4] of gold contenand xxv schaiffis with the fedder betuix
Item a water pot of silver
Item a pare of curale bedis, and a grete muste ball
Item a collar of cokkilschellis contenand xxiiii schellis of gold
Item a bane coffre, & in it a grete cors of gold, with four precious stanis and a chenye of gold
Item a beid of cassedonne
Item twa braid pecis of brynt silver bullioune
Item in a leddering purs, beand in the said blak coffre, tuelf score & xvi salutis
Item in the same purs thretti & sex Lewis and half nobilis
Item in the same purs four score and thre Franche crounis
Item in the same purs fourtene score of ducatis, and of thame gevin to the erle of Angus fyve score and six ducatis
Item in the said coffre, quhilk was brocht be the said abbot, a litil cors with precious stanis
Item in a blak box brocht be the said abbot to the toune of Perth the xxvi day of Junii, in the first, lows in the said box, four thousand thre hundreth and fourti demyis
Item in a purs of ledder in the said box four hundreth tuenti & viii Lewis of gold, and in the same purs of ledder, of Franche crounis fyve hundreth thre score and sex. And of thame twa salutis and four Lewis
Item in a quhite coffre of irne deliverit be the said abbot, thre thousand, nyne hundreth, four score & viii angelis

Memorandum, ressauit in Scone, be the thesaurar, in presens of the bischop of Glasgw, lord Lile, the prior of Sanctandrois, Patrik Home, & lord Drummond, the xxiii day of Junii, in Avereis box, lous, without ony purs, a thousand and thretti Hari nobilis

Item in a purs of ledder, within the said box, a thousand & twenti rois nobilis, and in the said purs fyfti & four Hari nobilis in half Hari nobilis
Item a grete gugeoune[5] of gold
Item thare was a writ fund in the said box sayand, in hac boxa xii c Hari nobilis, et in eadem boxa, xi c rois nobilis

Thir ar the names of thame, that wist of the said box quhen it was in the myre

James Averi
William Patonsone
William Wallace

Item ressavit fra lang Patric Hume, & George of Touris, xvi skore of Hare nobelis, quhilkis tha had of a part of the money takin be the Cuntas of Atholl and Johne Steward
Item of the same some & money gevin to the said Patric for his reward - - - - fourti Hare nobilis

THE COMPT of schir William Knollis, lord saint Johnnis of Jerusalem, &c. thesaurar till our soverain lord maid at Edinburgh the xxiiii day of Februar, the yer of god &c. nynte ane yeris . . . . . .
of all his ressait & expens fra the ferd day of the moneth of Junii in the yer of god &c. auchty and aucht yeris unto the day of this present compt

. c

[1] Hunting gloves. [2] Whip.
[3] Thir boxis put in the thesaurhous in the crete kist nerrest the windo. [4] Belt.
[5] Unknown.

In the first he chargis him with vii^{m} v^{c} lxxxxvii li iiii s in gold of sex thousand thre hundreth thretty a pece of angell nobillis ressavit be the comptar as is contenit in the beginning of this buke writtin with Johnne Tyriis hand, And with ii^{c} xvi li iiii s in gold of ane hundreth fourscore aucht Scottis ridaris, as is contenit in this sammyn buke

And with liiii li be fifty four Fraunce riallis of gold

And with viii^{c} lxxxii li be nyne hundreth fourscore unicornis

And with vi^{c} lxvi li xiiii s iiii d in ane thousand Scottis crownis

And with J^{m} iii^{c} xxxiii li vi s viii d in tua thousand demyis ressauit and gevin for a merke the pece

And with ii^{m} lxix li iiii s in tua thousand nyne hundreth fifty sex demyis gevin the pece for fourtene schillingis

And with vi^{m} xix li ix s in thre thousand thre hundreth fifty five rose nobillis and ane quarter, the quhilk wer gevin for thretty sex schillings the pece, except four hundreth that war gevin for thretty five schillings the pece

And with iiii^{m} iiii^{c} lxvi li viii s in tua thousand sevin hundreth tuenty nyne Hary nobillis gevin for thretty tua schillingis the pece

And with x li v s in fiftene Flemis ridaris fiftene schilling the pece

And with iiii^{c} xxxii li in four hundreth four score Lewis and halve rose nobillis gevin for auchtene schilling the pece

And with iiii^{c} lxxxxiiii li iiii s in sevin hundreth sex Fraunce crounis gevin for fourtene schillingis the pece

And with xxx li in Duch gold

And with ii^{c} vi li viii s in tua hundreth fifty aucht salutis gevin for sextene schillingis the pece

And with i^{c} xxxix li iiii s in ane hundreth sevinty four ducatis gevin for sextene schillingis the pece

Summa of this charge xxiiii^{m} v^{c} xvii li x s

. . . . . .

LETTER S, page 246.

Margaret Drummond, mistress to James IV.

From a note of the Rev. Mr Macgregor Stirling's, in his valuable manuscript collections on the chronology of the reign of James the Fourth, I am enabled to give some curious particulars regarding this unfortunate favourite of James the Fourth. She was daughter of John, first Lord Drummond, and the king seems to have become attached to her at an early period. In his first parliament, 3d October 1488, she had an allowance for dresses, (mentioned in the text, p. 246.) She bore a daughter to the king in 1495, as it may be presumed from an entry in the Lord High Treasurer's Books, which states that twenty-one pounds seven shillings had been expended on the "Lady Mergetis dochter." In Douglas's Peerage, vol. i. p. 51, and vol. ii. p. 361, she is mentioned as having been poisoned in 1501. But she appears to have been alive on 24th June 1502, as in the Treasurer's Books under that date is the following entry:—"Item, the xxiiii day of Junii, the kyng wes in Drummonde giffin to Mergrett Drummonde be the kingis commande, twenty-one pounds. Item, to her nuriss forty-one pounds." It is possible, however, this may have been the king's daughter, not his mistress. Great mystery hangs over the death of this royal favourite, and the most minute account is to be found in a celebrated work where one would certainly little expect to meet an obscure portion of Scottish history—Moreri's Dictionary. It is taken from a MS. history of the family of Drummond, composed in 1689. Speaking of the first Lord Drummond—"He had," says this author, "four daughters, one of whom, named Margaret, was so much beloved by James the Fourth, that he wished to marry her; but as they were connected by blood, and a dispensation from the Pope was required, the impatient monarch concluded a private marriage, from which clandestine union sprang a daughter, who became the wife of the Earl of Huntly. The dispensation having arrived, the king determined to celebrate his nuptials publicly; but the jealousy of some of the nobles against the house of Drummond suggested to them the cruel project of taking off Margaret by poison, in order that her family might not enjoy the glory of giving two queens to Scotland," (Moreri sub voce Drummond.) It is certain that Margaret Drummond, with Euphemia Lady Fleming, and the Lady Sybilla, her sisters, died suddenly at the same time, with symptoms exciting a strong suspicion of poison, which it was thought had been administered to them at breakfast. So far the story substan-

tially agrees with Moreri; but that the unfortunate lady fell a victim to the jealousy of the Scottish nobles, rests on no authentic evidence; nor does this explain why her two sisters, Lady Fleming and Lady Sybilla, should have shared her fate. The story tells more like some dreadful domestic tragedy, than a conspiracy of the aristocracy to prevent the king's marriage to a commoner. Besides this, it is shewn by a deed preserved in the Fœdera, vol. xii. p. 787, that James, previous to the catastrophe of Margaret Drummond, had entered into an indenture, binding himself to marry the Princess Margaret of England,—a circumstance certainly not wholly disproving the story of her having fallen a victim to aristocratic jealousy, but rendering it more improbable. If the dispensation for James's marriage with Margaret Drummond had been procured, it is probable that it would have been discovered by Andrew Stewart during those investigations into the Papal records which he instituted at Rome on the subject of the great Douglas case, when he accidentally fell upon the documents which settled the long-agitated question regarding the marriage of Robert the Second to Elizabeth More. The three ladies thus united in death were interred together in the centre of the choir of the cathedral church at Dunblane. Their grave was marked by three plain blue marble flags, which remained untouched till 1817, when they were removed to make way for some repairs on the parochial church into which the choir of the ancient cathedral had been transformed. Sir Walter Drummond, lord clerk-register, their paternal uncle, was, at the time of their death, Dean of Dunblane,—a circumstance, says Mr Stirling, which seems to have led to their interment there, the family having lately removed from Stobhall, their original seat on the banks of the Tay, to Drummond Castle, where they probably had no place of interment. An entry in the Treasurer's Books, June 18, 1503, shews that the king's daughter by Margaret Drummond had some time before been removed from Drummond Castle to the palace at Stirling:—"Item to the nuriss that brocht the king's dochter fra Drummyne to Strivilin, 3 lbs. 10 sh." The child was brought up in Edinburgh castle under the name of the Lady Margaret; she married John, lord Gordon, son and heir-apparent of Alexander, earl of Huntly, (Mag. Sig. xv. 193.) 26th April 1510. In the Treasurer's Books, under the 1st February 1502-3, is this entry:—"Item to the priests of Edinburgh for to do dirge and saule messe for Mergratt Drummond, v lb." Again, February 10, 1502-3. "Item to the priests that sing in Dumblane for Margaret Drummond their quarters fee v lbs." Entries similar to this are to be found in the Treasurer's Books, as far as they are extant, down to the end of the reign, from which it appears that two priests were regularly employed to sing masses for her soul in Dunblane.

LETTER T, page 251.

Sir Andrew Wood of Largo.

The connexion of this eminent person with James the Third is illustrated by a charter under the great seal x. 87, dated 8th March 1482, which states that this monarch had taken into consideration "Gratuita et fidelia servicia sibi per familiarem servitorem suum ANDREAM WOD commorante in Leith, tam per terram, quam per mare, in pace et in guerra, gratuiter impensà, in Regno Scotiæ et extra idem, et signanter contra inimicos suos Angliæ, et dampnum per ipsum Andream inde sustenta, suam personam gravibus vitæ exponendo periculis." On this ground it proceeds to state that James granted to him and his heirs, hereditarily and in fee, the lands and village of Largo, in the sheriffdom of Fife. It is probable that Wood was originally a merchant trader of Leith, and that a genius for naval enterprise was drawn out and cherished by casual encounters with pirates in defence of his property; after which, his talents, as a brave and successful commander, becoming known to James the Third, this monarch gave him employment, not only in war and against his enemies of England, but in diplomatic negotiations. It has been stated in the text that the brilliant successes of Wood during the reign of James the Fourth were against English pirates. This fact seems established by a charter under the great seal xii. 304, 18th May 1491, in which James the Fourth grants to Andrew Wood a licence to build a castle at Largo with iron gates, on account of the great services done and losses sustained by the said Andrew, and for the services which it was confidently hoped he would yet

render; and because the said Andrew had, at great personal expense, built certain houses and a fortalice, on the lands of Largo, by the hands of Englishmen captured by him, with the object of resisting and expelling pirates who had often invaded the kingdom, and attacked the lieges. The existence of a truce between the two kingdoms at the time when these actions of Wood are described as having taken place, neither throws any suspicion on the truth of this assertion, nor proves that Henry may not have privately encouraged the expedition of Stephen Bull against Wood. A truce existed between the kingdoms, and proposals for bringing about a final peace on the basis of a marriage between James and an English princess were actually under consideration, when Henry had bribed the Lord Bothwell and Sir Thomas Tod to seize the Scottish king and deliver him into his hands. (Rymer, vol. xii. p. 440.) Some of the items of this date, 1491, in the Treasurer's Accounts, prove, in a very convincing manner, that James, in all probability in consequence of the advice and instructions of Andrew Wood, had begun to pay great attention to everything calculated to increase the naval strength of the kingdom. He built ships at his own expense, made experiments in sailing, studied the principles of navigation and gunnery, and attached to his service, by ample presents, such foreign captains and mariners as visited his dominions for the purposes of trade and commerce.

LETTER U, page 264.

Mons Meg.

Popular as Mons Meg has been amongst the Scottish antiquaries of the nineteenth century, her celebrity, when she was carried by James the Fourth, July 10, 1489, to the siege of Dumbarton, if we may judge from some of the items in the Treasurer's Books, was of no inferior description. Thus, under that date we have this entry:—"Item given to the gunners to drink-silver when they cartit Monss, by the King's command, 18 shillings." Mons, however, from her enormous size and weight, proved exceedingly unmanageable; and after having been brought back from Dumbarton to Edinburgh, she enjoyed an interval of eight years' inglorious repose. When James, however, in 1497, sat down before Norham, the great gun was, with infinite labour and expense, conveyed to the siege, and some of the items regarding her transport are amusing. The construction of a new cradle or carriage for her seems to have been a work of great labour. Thus, on July 24, 1497, we have, "Item to pynouris to bere ye trees to be Mons new cradill to her at St Leonards quhare scho lay, iii sh. vi^{d};" and again, July 28, "Item for xiii stane of irne to mak graith to Monsis new cradill, and gavilokkis to ga with her, xxx sh. iiii^{d}." "Item to vii wrights for twa dayis and a half ya maid Monsis cradill, xxiii sh. iiii^{d}." "Item for xxiiii li of talloun [tallow] to Mons." "Item for viii elne of canwas to be Mons claiths to cover her." "Item for mare talloun to Mons." "Item to Sir Thomas Galbraith for paynting of Monsis claiths, xiiii sh." "Item to the Minstralis that playit before Mons doune the gait, xiiii sh." The name of this celebrated gun, as stated in the Treasurer's Accounts, is simply Mons. Drummond of Hawthornden is the first author who calls her Mons Meg. For these curious particulars I am indebted to the manuscript notes of the Rev. Mr Macgregor Stirling.

LETTER V, page 264.

Perkin Warbeck.

It is difficult to solve the problem whether James was a sincere believer in the reality of Warbeck's pretensions. I am inclined to think that, from political motives, he first entered into the intrigues with the Duchess of Burgundy, which commenced soon after Lambert Simnel's defeat and capture—though without any steady conviction of the truth of Warbeck's story—but that he became afterwards, on the arrival of this extraordinary person in Scotland, a convert to his being a son of the Duke of York; and that he entertained the same opinion even when he found it necessary to advise his departure from Scotland. Of the residence of Warbeck in this country, the Treasurer's Accounts furnish some curious illustrations. It appears that Jamie Doig, a person whose name occurs frequently in the Treasurer's Books, and who is embalmed in Dunbar's Poems, "tursed the arrass work," or arranged the hanging and tapestry at Stirling, on the 20th November 1495, in contemplation of Prince Richard's arrival, (Treasurer's Book

under that date.) A person named David Caldwell received eighteen shillings for the "graithing" or furnishing of his chamber in the town; and couriers were sent with letters to the Lords of Strathern and Athole, and to the Earl Marshal and the Barons of Angus, requiring them to attend upon the meeting of the King and Prince Richard in Saint Johnston, (Treasurer's Book, sub anno 1495.) It is mentioned in the text that a tournament was held in honour of his arrival, and many entries in the Treasurer's Books relate to it and to the preparations at the same time for the war against England. Thus, on the 9th September 1496. "Item, for an elne, half a quarter, and a nail of double red taffety to the Duke of Zorkis banare —for the elne, xviii sh.—xxi sh. iiii d. Item, given for iiᵉ of gold party for the Duke of Zorkis banere, xxvii sh. vii d. Item, for iii quaris of a silver buke to the same banare, vi sh. Item, for half a book of gold party to ye Duke of Zorkis standart, xx sh. Item, for a book of fine gold for the king's coat armour, iii lb. x sh. Item, to the Duke of York in his purse by the king's command, xxxvi lb." In the following entry we find mention of an "indenture," drawn up between James and the Duke of York, which is now unfortunately lost. "Item, given to Roland Robison (he was a French gunner or engineer, who had probably been in Warbeck's service when at the court of Charles the Eighth) "for the red" (settlement) "of the Inglismen to the sea, like as is contenit in an indenture made betwixt the king's gude grace and the Duke of Zork, iiᵉ lb."

It is probable that one of the conditions entered into by James in this indenture was to pay to Warbeck a monthly pension of one hundred and twelve pounds. Thus, in the Treasurer's Books, May 6, 1497, we find this entry. "Item, to Roland Robison, for his Maisteris" ("Zork" on the margin) "monethis pensioun, iᵉ xii lb." Again, June 7, 1497. "Item, to Roland Robison and the Dean of Zork, for their Maisteris monethis pension, iᵉ xii lb." And again, June 27. "Giffin to the Dean of Zork and Roland Robison for the Dukis (of Zorkis) monethlie pensioun to come in, iᵉ xii lb." This large allowance, which amounted to one thousand three hundred and forty-four pounds yearly, was probably one great cause for James's anxiety to see Warbeck out of the kingdom; for, besides the pension to the Duke of York, it must be recollected that the king supported the whole body of his English attendants; and the entries of payments to Roland Robison for "redding," or settling, the Englishmen's costs, are numerous. Warbeck, too, appears to have been extravagant; for notwithstanding his allowance, he had got into debt, and had pledged his brown horse, which he was forced to leave in the innkeeper's hands, although thirteen shillings would have set him free. "Item, giffin to the prothonotare to quit out the Duke of Zorkis brown horse that lay in wed in the toune, xiii sh." The same Books contain a minute detail of the victualling of the ship in which Warbeck, accompanied by his wife, Lady Catherine Gordon, quitted Scotland. The vessel was not only under the command, but was the property of the afterwards celebrated Robert Bertoune. Amongst the stores were "twa tun and four pipes of wine, eight bolls of ait mele" (oatmeal,) "eighteen marts of beef, twenty-three muttons, and a hoghead of herring." Andrew Bertoune, the brother of the captain, is mentioned as having furnished biscuit, cider, and beer for the voyage. The Duchess of York, by the king's command, received three elns and a half of "rowane cannee," to make her "ane see goune," with two elne and a half of ryssilis black, to make her cloaks. It is well known that, after the execution of Warbeck in 1498, the extraordinary beauty and misfortunes of this lady induced Henry the Seventh, whose disposition, although cautious, does not appear to have been either cold or unamiable, to treat her with kindness and humanity. The populace applied to her the epithet of the White Rose of Scotland. She was placed under the charge of the queen—received a pension—and afterwards married Sir Mathew Cradock of North Wales, ancestor of the Earls of Pembroke, (Stewart's Genealogy, p. 65.) From an entry in the privy purse expenses of Henry the Seventh, published by Sir Harris Nicolas, (p. 115, part ii. of the Excerpta Historica,) she seems to have been taken on 15th October 1497.

Sir Mathew Cradock and the White Rose had an only daughter, Margaret, who married Sir Richard Herbert of Ewyas, natural son of William, first Earl of Pembroke, (Dugdale's Baronage, vol. ii. p. 255.) Their son William.

on the extinction of the legitimate male line of the Earls of Pembroke, was created Earl of Pembroke by Edward the Sixth, (Dugdale's Baronage, vol. ii. p. 258.)

Sir Mathew Cradock and the Lady Catherine, his wife, are interred in the old church at Swansea, in Glamorganshire, under a monument of the altar kind, richly decorated, but now much mutilated and defaced—beneath which is this inscription :—

HERE LYETH SIR MATHU CRADOCK, KNIGHT, SOME TIME DEPUTIE UNTO THE RIGHT HONOURABLE CHARLES GRIE OF WORCET . . . IN THE COUNTY OF GLAMORGAN . . . MOR . . CHANCELLOR OF THE SAME, STEWARD OF GOWER AND KILVEI, AND MY LADY CATHERINE HIS WIF.[1]

"Sir Edward Herbert of Ewyas is buried," says Dugdale, (Baronage, vol. ii. p. 258,) "under a noble tomb at Bargavenny, beside Margaret his wife."

Letter X, page 294.

Battle of Flodden.

It is difficult, from the conflicting accounts of historians, to arrive at the numbers of each army in the battle of Flodden; and even more difficult to estimate the loss on both sides. That nearly a hundred thousand souls mustered on the Borough-muir is extremely probable; but it is to be recollected, that of these a great many were waggoners, sutlers, servants, and camp-followers; that the presence of the king and the whole body of the nobles inferred the attendance of more than the usual number of servants; and that, owing to the delay in active operations, and the scarcity of provisions, the army was diminished by desertion previous to the battle. When this is considered, the estimate of thirty-five or forty thousand men (the latter number is that of Dr Lingard) is probably pretty near the truth. On the side of the English, it is certain from the English contemporary account of the battle, that Surrey's army was, at the lowest computation, twenty-six thousand strong; and it is by no means improbable that this was rather a low estimate. The battle began between four and five in the afternoon of the 5th of September, and continued, according to an[2] authentic contemporary chronicle, "within night," that is some time after nightfall; all accounts agreeing that the combatants were only separated by darkness. It is a mistake in Lingard, therefore, to tell us it was decided in something more than an hour. From half-past four on the 5th of September, till after nightfall, will give a continuance to the combat of at least three hours. As to the loss sustained, the common estimate of ten thousand Scots is probably under the truth. After giving the names of the nobles and chiefs who were slain, the ancient chronicle already quoted observes, that over and above the said persons, eleven or twelve thousand of the Scots who were slain were viewed by my Lord Dacre,[4] and on the inscription on Surrey's monument at Thetford, the number is seventeen thousand.[5] But whilst this last, which may be considered a eulogistic estimate, is yet perhaps not very far from the truth, it is evident that there is an endeavour on the part of the English historians to conceal their own loss, when they state it at fifteen hundred men. Holinshed, who gives this, admits that the "victory was dearly bought on the side of the English," and when it is considered that it was a fair *stand up* fight, which lasted with the utmost obstinacy for three hours—that no pursuit took place till next day—and that no quarter was given on either side, the assertion that only fifteen hundred English were slain, cannot be believed. In noticing the very few Scottish prisoners taken, the ancient English account of the battle observes, "many other Scottish prisoners could and might have been taken, but they were so vengeable and cruel in their fighting, that when Englishmen had the better of them, they would not save them, though it were that diverse Scottes offered great sumes of money for their lives."[6] Lord Thomas Howard, indeed, in his message to the king, had declared, that as he expected no

[1] Ree's Beauties of England and Wales, vol. xviii. p. 725.

[2] The rare contemporary tract reprinted by my friend, Mr Pitcairn, and entitled, "Batayle of Floddon-felde, called Brainston Moore," thus commences:—"The maner of th' advauncyng of my lord of Surrey, tresourier and marshall of Englande, and levetenente generall of the north parties of the same, with xxvi M. towards the kynge of Scotts and his armye, vewed and nombred to an hundrede thousande men at the leest."

[3] Ibid. p. 12.

[4] Batayle of Brainston Moore, p. 11.

[5] Ridpath's Border History, p. 491.

[6] Batayle of Brainston Moore, p. 12.

quarter himself he would give none; and this fierce resolution of the English admiral was probably rendered more intense in its operation by the silence of the Scottish king, who replied with courtesy to the cartel of Surrey, but did not condescend to send Howard an answer. With the exception of the Highlanders and Islemen, the Scots preserved good discipline. Their army, when first seen by Howard, was drawn up in five divisions: some in the form of squares, others in that of wedges, and they descended the hill on foot in good order, after the manner of the Germans, in perfect silence.[1] Every man, for the most part, was armed with a keen and sharp spear, five yards in length, and a target which he held before him. When their spears failed, they fought with great sharp swords, making little or no noise. The old account of the battle expressly states that few were slain by arrows, as the rain had damaged the English bows, but that most fell by the bills of the Englishmen; and yet the armorial device given as an augmentation to his arms to Surrey, in commemoration of his victory—a demi-lion gules, transfixed with an arrow—seems to contradict this; whilst the impatience of the Highlanders, under Huntly and Lennox, has always been ascribed to the deadly discharge of the English bowmen. The English artillery were well served, and did considerable execution; whilst the Scottish guns, injudiciously placed, and ill-directed, fired over the heads of the enemy—a blunder probably to be ascribed to the obstinacy of the king, who would not suffer them to play upon the English columns when they were passing the river. James thus lost the great advantage which might have been derived from the acknowledged excellence in the make and calibre of the Scottish ordnance.

As the battle of Flodden is of much importance in tracing the military history of the country, I may notice an inaccuracy of Hume, which to the general student might seem of little importance, but to the military reader it will not appear so. This historian informs us[2] that Surrey, finding that the river Till prevented his attack, made a feint by marching to Berwick, as if he meant to enter Scotland; upon which James descended from his encampment, having fired his huts. "On this Surrey," says he, "took advantage of the smoke, and passed the river with his army, rendering a battle inevitable, for which both sides prepared with tranquillity and order." This, any one who will study the battle as it is given in this history, from contemporary records, will discover to be a misapprehension of the fact.

[1] Original Gazette of the Battle of Floddeu, MS. in herald's office, printed by Pinkerton. —Appendix to 2d vol. No. X.—La bataile dud: Roy D'Escosse estoit divisee en cinq: battailles, Et chacun battaille loing l'un de l'autre environ un trait d'arc * * partie d'Eulx Estorent er quadrans, et autres en maniere de pointe.

Letter Y, page 303.

Diurnal of Occurrents in Scotland.[2]—*Authenticity of the First Part of this Work.*

The frequent references in the text to the first part of this work, as an original and valuable authority, renders it necessary to explain the reasons which have led the author to form a different opinion of its authenticity from that given by its learned editor. In the Prefatory Notice to the volume, there is this sentence, "to those who are at all acquainted with the minute details of Scottish history in the sixteenth century, a very slight perusal of the work will suggest that in its different parts it is of very unequal value. From the era of the battle of Flodden and the death of King James the Fourth, in the year 1513, at which it commences, down to the termination of the government of the Earl of Arran in 1553, its details, comparatively meagre and occasionally inaccurate, are obviously not recorded by a contemporary chronicler, but must have been derived from tradition and other imperfect sources. Yet, even in this first and least valuable portion of the work, will be found many minute facts and notices that would be vainly looked for in the ordinary histories of the reign of King James the Fifth, and the first ten years of the reign of Queen Mary."[3] In pronouncing this first portion of the Diurnal of Occurrents the work, not of a contemporary chronicler, but of some subsequent writer, deriving his materials from tradition, and other imperfect sources, the editor appears to me to have fallen into an error, which could scarcely have been avoided by one

[1] Hume's History, p. 292.

[2] Published by the Bannatyne Club.

[3] Preface, p. i.

who compared the Diurnal of Occurrents with our earlier historians, Lesley and Buchanan, or even with the later volumes of Maitland. It not only is contradicted by them in some important particulars, but it contains events, and these not minute, but grave and material facts, which are not to be found in either of these authors. These events, however, can be proved to have occurred by evidence of which the authenticity is unimpeachable; and it is the discovery of their perfect truth which has induced me to consider the greater portion of the first part of the Chronicle, entitled the "Diurnal of Occurrents in Scotland," as the work of a contemporary, who wrote from his own knowledge, and not a compilation from traditionary sources. I say the greater portion, because such a character belongs not to the whole of the first part; and it seems probable that this valuable original matter has fallen into the hands of some later and ignorant compiler, who, preserving the purer ore, has in some places mixed it up with erroneous additions of his own.

To support these conclusions, let me give some proofs; the years 1543, 1544, occurring in the Regency of Arran, form an obscure era in our history; and did we possess no other guides than the common historians, Lesley, Buchanan, or Maitland, we should be left in a maze of confusion and contradiction. The revolutions in state affairs are so sudden and so frequent during this period; the changes in the politics and the conduct of the different factions so rapid and so apparently contradictory, that without some more authentic assistants, the task of unravelling or explaining them would be hopeless. It is upon this period that the original correspondence in the State-Paper Office throws a flood of clear and useful light, introducing us to the actors in these changes, not through any second-hand or suspected sources, but by supplying us with their original letters to Henry the Eighth and his ministers. Now, to come from this observation to the work entitled the Diurnal of Occurrents. When it is found that it, and it only, contains various facts, demonstrated by these original letters to be true, and which sometimes are not mentioned, sometimes are positively contradicted by our general historians, such a circumstance must create a strong presumption in favour of its value and authenticity; that a work which stands this severe test should have been, not a contemporary, but a later production, compiled from tradition, and imperfect sources, seems to me nearly impossible.

To take an example from the period already mentioned. In the year 1544, in the Diurnal of Occurrents, p. 33, we find this passage:—"Upon the thrid day of Junii, thare was ane general counsall haldin at Stirling, quhairat was all the nobelles of Scotland, exceptand the Erles of Lennox and Glencairn; quhair the governor was dischargit of his auctorite; and maid proclamation through the realm, that nane obeyit him as governor; and als thair thei chesit thrie erlis, thrie lords, thrie bishops, thrie abbotes to be the secreit counsale; quhilk lastet not lang, for everie lord ded for his awin particular profit, and tuk na heid of the commonweill; but tholet the Inglismen and theivis to overrin this realm." In the same chronicle, p. 34, is this sentence,—"Upon the last day of Julii, thare was ane Parliament sould have been halden in Edinburgh; and the governor, with his complices furneist the town, and held it, becaus he gat word the queenis grace drowarie was cummit out of Striveling to the Parliament; becaus thai yet being in hir company was full of dissait, sho past to Stirling with meikle ordinance and swa the Parliament was stayit." Again, in the same chronicle, p. 36, we find this passage,—"Upon the 5th day, (1544,) the governor held ane parliament in Edinburgh.—Upon the 12th of November, the queen's grace drowrier [dowager] held ane parliament in Striveling, and thareafter the parties suld have met, and stayet in hope of aggreance, and the cardinal raid betwix them, quha come to Edinburgh and tuk the governor to Stirling with him, quhair gude aggreance was made to be bund to hir grace, and twentee four Lordis counsall." It will be at once perceived that these passages embody the history of an important revolution, which for nearly six months changed the whole face of affairs in Scotland. In May 1544, Arran was the unchallenged governor of the kingdom; in June, the queen-dowager arose against him, was joined by the whole body of the peers excepting Lennox and Glencairn, held a general council at Stirling, in which he was discharged from his office, made proclamation through the realm that none should obey him, and appointed a new secret council for the management of

the affairs of the state. In July, as is shewn by the second extract, an attempt was made by Arran, who still claimed the name and authority of governor, to hold a parliament in Edinburgh; but the queen-dowager advanced with great force to the city; the governor fortified it against her; she retreated to Stirling, and the parliament was delayed. Three months after this, in the beginning of November, Arran the governor assembled a parliament at Edinburgh; the queen issued writs for a rival parliament, to be held on the 12th of the same month at Stirling; and the cardinal dreading the effects of this miserable disunion, acted as a peace-maker between the two parties, and at length brought them to an agreement.

Now, of these very important events, no notice whatever was to be found in our general historians; nay, the tenor of their narratives seemed to contradict them; the question, therefore, at once came to the credibility of the Diurnal of Occurrents. In this dilemma I was delighted (the reader, who knows the satisfaction of resting, in researches of this nature, upon an authentic document, will pardon the warmth of the expression) to meet with the following paper in the State-paper Office, which, it will be seen, completely corroborated the assertion of the Diurnal as to the deprivation of the governor. It is dated June 1544, and entitled, "Copy. —Agreement of the principal Scots nobility to support the authority of the queen-mother as regent of Scotland against the Earl of Arran, declared by this instrument to be deprived of his office." This valuable paper in its entire state will be given in the forthcoming volume of State-papers relative to Scotland, published by Government. In the meantime, the following extract will be sufficient for my purpose. After stating the fact of a convention having been held at Stirling on the 3d of June, it proceeds thus to describe their deliberations and proceedings. "After long and mature consultacion had, in the said matiers, by the space of iii. or iv. daies contynuall, fynally [they] fand that oon great part why inobedience hath ben within this realme, sithins the king's grace's, and that other inconveniences which have happened, was, and is in my lord governor, and his counsaile, that was chosen to have ben with him for the time: and for remedye herof in times commyng, and that perfit obedience maie be to our soverain ladie's aucthorite, [that] unite, concorde, and amitee maie be hadd among all our soverain ladie's lieges, and speciallie among the great men; and that they maie convent at all times to give their counsaile in all matiers concernyng the quene's grace our soverain ladye, and her realme; and that justice maie be doon and executed among the lieges therof; and that resistance maie be made to our ennymies: They all, without variaunce, consulted and deliberated, that the quene's grace, our soverain ladye's mother, shulde be egall with him therintill; and that oon great counsaile, adjoyned with my lord governor in the using of th' aucthoritie of governement in all times comyng, shulde be chosen, of xvi. persones — xii. of them the greatest erles and temporal lords of the realme, and iv. spiritual men, as in the deliveraunce mad therupon the vi.th daie of the saide monith of Junii, is at more length conteyned. The whiche deliveraunce and counsaile was shewen and declared to my lorde Governor, before the quene's grace and the whole lords, the saide vi.th daie of Junii. And the lords who devised the same, praied my lord governor that he wold consent therto, both for his owne weale and for the weale of our soverain ladye the quene, and of the whole realme, for divers causes and respects particularly appointed and declared; and specially, because the quene's grace our soverain ladie's mother is a noble ladye of highe linage and bludde, of great wisedome, and haile of lief, having the king of Ffrance, and the greattest nobles of that realme, and others about hyr, tendre kynsmen and friends, who will be the more readye to supporte the realme for defense of the same if hyr grace be well favoured and honored by the nobles therof, and holden in honor and dignitie; and also, because the whole nobles have theire special confidence in hyr grace, and doo think them sure to convene in any place where hyr grace is present. My lord Governor tuke to be advised while the morne at even, viz. the vii.th daie of the saide monith, and then to give the answer. Attour, that same daie incontinent the saide deliveraunce and consultacion was shewen to the remanent of the lords, both prelates, erles, lords, barons, and other noble men of the realme personallie present, who being all singularlie asked of theire opinion, declared, ilk man for

himselfe, that the saide deliverauncе and consultacion was good and for the common weale of this realme: and therfore affirmed the same. The which vii.th daie being bepast, and noon answer made nor sent by my lorde Governor on the premises, and aftre diverse messages sent to him of the lords of Counsaile, and nothing reaported again but vayne delaies: The lords of Counsaile, upon the ix.th daie of the saide moneth, directed furth our soverain ladie's (letres) to require my saide lorde Governor to compare in the said Graye ffrers place of Striveling, where the said convencion is holden, upon the x.th daie of the said moneth, to accept and consent to the saide ordinaunce and articles, and to concurre with the quene's grace in th' administration of the governement with th' advise and counsaile of the lords; with certification, that if he faileth it, the lords wolde determyn him to be suspended from th' administracion of his offices, and wolde provide howe the same shulde be used in time to coom while further remeadie weare founde therto, as in the saide letres directed therupon more fully is conteyned. At the which x.th daie of Junii the lords convented in the fratre of the said graie ffreers, and there consulted upon the matiers concerning the commonwealefande, and awayted upon the coming of my lord governor, and upon his answer, for a x houres before noon while xii howers was stryken. And he neither compared by himself, nor sent his answer to accept and consent to the said ordinaunces and statutes there. Than the lords gave theire decrete, decerning my lord Governor *to be suspended, and suspending him from th' administration of his offices*, while further remeadye weare funde therfor. And because of the urgent necessite of the realme, and invading of the same by our old ennymies of England, and for the furthe setting of our soverain ladie's aucthorite, and perfit obedience to be had therto, unitie concord to be had among all them of this realme both great and smale without th' administration of the governement weare put in soom persones hands most convenient therfor, the saide lords, without variaunce, have thought noo other persone more convenient therto nor the quene's grace our soverain ladie's mother, for the good and urgent causes before expressed. And therefore have chosen hyr grace to use and minister in the saide office of governement, with th' advise of the lords of counsaile conforme to the acts and ordinaunces made therupon of before, while further remedye be made herto. And hyr grace hath accept the same in and upon hyr to be used with th' advise of the saide lords as said is. And bicause hir grace can not doo the same without she be starklie mainteyned and defended therintyll, Therefore we archbishopps, bishopps, erles, lords, barons, abbotts, and others noble men whose names herafter subscribed, doo bynd and oblige us, and promitt by the faithes in our bodies, and have gyven our aithes herupon, that we shall maintein and defende the quene's grace our soverain ladie's mother in the using and administracion of th' office of governement and th' aucthorite in all things. And we shall gyve unto hyr our best counsaile in all things. And shall resist with our bodies and friends and our hole substance, to all them that will impugne or comen in the contrarie therof undre the payne of perjurie and infamye. And also ilk oon of us shall tak afalde part with others, without excus or fenzeing in this matier and defense therof. Undre the paine aforsaide.

"Gawen of Glasgow.
Patrick Morvinen.
Willm of Dumblane.
Ro. Orchaden: Epis.
T. Commendator of Driburt, D. de Cuper, V. de Culros.
Archbald Erle of Anguss.
Erle Bothwile.
Willm Erle of Montross.
Willm Lord Sanchar.
Robart Maxwell.
George Erle of Huntlie.
G. Erle of Caslis.
Erle of Merschell.
John Erle of Mentieth.
Hew lord Somerwell.
George Duglass.
Erle of Murray.
Archd Erle of Argile.
George Erle of Erroll.
John lord Erskin.
Willm lord of Sanct John.
Malcum lorde chalmerlane.
Hew lord Lovett.
Schir John Campbell of Cawder, Kgt.[1]"

This extract settles the point as to the

[1] In the State-paper Office; now published for the first time.

correctness of the Diurnal in its narrative of the revolution of the 3d of June. Next came the question regarding the rival parliaments, the meeting of the three estates at Edinburgh, by summons of the governor, on the 5th of November, and the meeting of the parliament at Stirling, by summons of the queen-regent, on the 12th of the same month: upon this point the correspondence in the State-paper Office was silent; but fortunately the evidence of the Acts of the Scottish parliament establishes the accuracy of the facts stated in the Diurnal of Occurrents. In the second volume of the Acts, p. 445, we find that the governor Arran held a parliament at Edinburgh on the 6th of November; and one of the acts then passed by the three estates is thus entitled :—"Deliverance annulling ane Proclamation be the Queen's Moder, and certain Lordis, of ane pretendit parliament, and of certane other pretendit actis." In turning to the act we find the whole narrative of the Diurnal thus fully corroborated. It states, that "the queen mother (I use the modern spelling) to our sovereign lady, with a part of lords and others our sovereign lady's lieges, ill-advised, has caused proclaim a pretended parliament to be held at the burgh of Stirling, the 12th day of November, instant, with continuation of days, without any sufficient authority;" after this preamble, the decision of the three estates is thus given :—"the whole three estates of parliament, with the votes of many others, nobles, barons, and gentlemen, being present, has declared, and declares the said pretended parliament to be held at Stirling, as said is, and the pretended summons raised against my lord Governor, in their manner, to have been and to be, from the beginning, of none avail, force, nor effect. And such like all prete ded acts made at Stirling regarding the suspending of my lord Governor from the administration of his said office, and discharging him of his authority in their manner." The evidence contained in this statute so clearly proves the accuracy of the Diurnal of Occurrents, that upon this point any other remark would be superfluous.

A second proof of the authenticity of the same work is to be found in the accuracy of the account there given of the intrigues of the Douglases and their treasonable correspondence with England, at a time when our general historians know nothing of any such matters. Here the Diurnal of Occurrents maintains its character for truth, when examined by the severest of all tests, the original correspondence of the principal actors in the events. Of this I shall give a striking example. In the Diurnal, pp. 39, 40, is an account of that abortive invasion of the governor, (August 10, 1545,) in which he broke into England with an army of thirty thousand men, and again on the third day thereafter, the 13th of August, was compelled to return home. Now, on this occasion, the Diurnal ascribes the failure of the expedition, and the retreat and dispersion of the army, to the deceit and treachery of George Douglas and his party.[1] The dispersion of the Scottish army is thus mentioned, p. 39 :—"Upon the nynt [ninth] day of August, the governor with his company made their musters on Fawnrig Mure to the number of 30,000 men by [besides] the Frenchmen whilk [which] were 3000. And the same day at even they passed in England, and burnt Cornwall and Tilmouth, Edderslie, Brankston, with sendrie othere towns thereabouts, and there did no other thing to their lak and dishonour." "Upon the tenth day of August, the said Scottis was pairted [divided] in three battles [battalia], in the vanguard the Earl of Angus, Marshall, Errol, Glencairn, and Cassillis, Lords Gray, Glammes, and Yester; in the rereward Erles Huntly, Bothwell, Lords Ruthven, Drummond, Borthwick, Fleming, Home; in the middle ward the Governor, with the body of the realme and Frenchmen, with twa wings, the ane [one] Lord Seton, the Laird of Bass, and many other gentlemen, the other the Laird of Buccleugh,

[1] The retreat from Coldingham is ascribed to the same cause, "On the morne [morrow] the Scots without any skaith [harm] fled misorderlie. The Inglishmen persevand this, twa thousand of thame followit the chase to Cockburne quha durst not bide [stay] a strike. Of this hoste the Erle Angus had the wangaird [vanguard], there was with him the Erles of Cassillis, Glencairne, the Lords Somerville, Yester, the sheriff of Ayr, quha [who] did but feebly; in the rear was the Earl of Bothwell, quha baid [abided] stiffly quhill [until] he might no more. George Douglas had the wyte [blame] hereof, for he said the Englishmen were ten thousand men, lyin within the said town: the invention [artifice] was saissit on chance by the Erle of Bothwell."

with all Liddesdale and Teviotdale; and on this order they raid [rode] in England, and burnt Tweesdale, Grendonrig, the great tower, Newbigging, and Dudie, with the towers thereof; and there was on the Pethrig of Englishmen 6000 [had] the Scots followed with speed, they had vanquished all the said Englishmen. Upon the 13th day of August, the Scottish men come hame, through the deceit of George Douglas, and the vanguard, who would not pass again through his tyisting."

Such is the history of this remarkable invasion given in the Diurnal, and to this narrative the same observation may be applied which was already made regarding the revolution in 1544, namely, that such an explanation of the cause of its failure is new to Scottish history, and to be found in the Diurnal alone. We find no mention of any such thing in Lesley, Maitland, or Buchanan. How, then, are we to discover the truth upon this subject? Simply by going to the letters of the actors themselves, which describe these events, and are fortunately accessible. In the State-paper Office we find an original despatch from the Earl of Hertford and the Council of the north to Henry the Eighth, in which, after detailing the plan of his proposed invasion, he encloses a letter in cipher which he had received from George Douglas and the Earls of Angus, Cassillis, and Marshal. It may be well to give Hertford's description of the mode in which this letter was conveyed to him, as it contains a curious illustration of the extreme caution with which this secret correspondence between Henry the Eighth and the Douglases was carried on. "After this device of the said proclamation, one Thomas Forster, who was of late, by your majestie's commandment, at the desire of the Earls of Angus and Cassillis, George Douglas and others, sent to them into Scotland, came hither to me the said earl, and shewed me a letter sent to him from one Sym Penango, servant to George Douglas, of such effect as your majesty may perceive by the same letter here enclosed; upon the sight whereof I willed the said Thomas Forster to go and speke with the said Penango according to his desire, with whom he hath been at the place appoynted between them, where he received of the said Penango a letter in cipher, sent him from George Douglas, which we have deciphered, and send both the cipher and the decipher to your majesty herewith."[1] The letter here described not only establishes the fact of the general treasonable correspondence between Henry and the Earls of Angus, Cassillis, Marshal, George Douglas, and others, which is mentioned in the "Diurnal," but contains this remarkable passage relative to the expedition of Arran into England, on the 9th of August, and his return home on the 13th of the same month, which, in the same work, is ascribed to the deceit of George Douglas and the vanguard. "Further, as to this last journey of ours, it was advised by the queen, cardinal, and this French capitaine, Lorges Montgomery. Huntly fortified this army at his power. Notwithstanding, at short, all that they devised *was stopped by us that are the king's friends.* Their whole intent was to have besieged the king's houses, unto the time they had gotten bargain, *but all was stopt, whereof they stood nothing content.*"[2] Now, looking to the passage above in the Diurnal, we find it there asserted that the expedition was ruined "thro the deceit of George Douglas and the vanguard." We know, from the same work, that in the vanguard were the Earls of Angus, Cassillis, and Marshal, with others. The journey or invasion took place on the 10th of August, the retreat on the 13th, and here on the 25th of the same month, we have a letter from George Douglas and the Earls of Angus, Cassillis and Marshal, in which they declare to the Earl of Hertford, that the whole expedition was stopped by them, and claim credit for it with the English king. This coincidence offers a fine example of the corroboration of an ancient chronicle by the original correspondence of the times; and the learned editor of the Diurnal will readily allow that a work thus corroborated could not have been compiled from traditional and imperfect sources, but must have been the production, not only of a contemporary writer, but of one minutely and accurately informed in the history of the times. It is for this reason I have quoted it as an original authority, and have preferred any information it communicates to the vague, loose, and ima-

[1] Orig. State-Paper Office; not before published.

[2] Ibid.

ginary details of the general historians of this period. Other instances might be given of the accuracy of the first part of the Diurnal when checked by the correspondence of the times, but my limits will not permit me. That there are occasional errors in the narrative is not to be disputed: but they may be chiefly traced, I think, to the ignorance or carelessness of the transcribers of the manuscript.

LETTER Z, pages 361 and 362.

Conspiracy of Lady Glammis.

That a noble matron, in the prime of life, and of great beauty, should be tried, condemned, and burnt, for an attempt to compass the king's death by poison, and should also have the crime of witchcraft imputed to her by most of our historians, is an appalling event. In the absence of direct proof, Mr Pitcairn, in his notes upon the trial of Lady Glammis, has adopted the story told by Buchanan, (book xiv. c. 54,) and repeated by all following writers, with the exception of Pinkerton; he pronounces her innocent of the crimes laid to her charge, and a victim of James's implacable hatred to the house of Douglas. The examination of the curious evidence which he has published has led me to form a different opinion. As to her being justly found guilty of treason, in assisting the Earl of Angus and George Douglas, in their attempts to "invade" the king's person, and re-establish their authority in Scotland, there seems to be no question. It was natural she should support her brothers; and had her offences been confined to this, although the act was undoubtedly treason, it is probable the sentence of death would have been exchanged for banishment or imprisonment. But a little investigation will convince us, I think, that the king was not so unjust and implacable as has been imagined, nor the lady the injured and innocent woman she has been represented. Let us look a little into her life.

She married, probably about the year 1521, John, sixth Lord Glammis. He died on the 8th of August 1528, in his thirty-seventh year; and, about four months after his death, (Dec. 1, 1528,) Lady Glammis was summoned, with Patrick Hume of Blacater, Hugh Kennedy of Girvanmains, and Patrick Charteris, to answer before parliament for having given assistance to the Earl of Augus in convocating the king's lieges for the invasion of his majesty's person.[1] These men were all bold and active partisans of the Douglases. On September 20, 1529, we find that Lady Glammis and Patrick Charteris of Cuthelgurdy, a person who, in the interval, had been indicted to stand his trial for fire-raising and cow-lifting,[2] obtained a letter of licence to pass to parts beyond sea, on their pilgrimage, and other lawful business.[3] Whether Patrick and the lady had gone upon their pilgrimage, does not appear, but she did not interrupt her political intrigues, and seems to have been again not only summoned, but found guilty of treason; for, on July 1, 1531, we find that Gavin Hamilton got a gift from the crown of the escheat of all the goods heritable and movable, of Janet Lady Glammis, which had been forfeited on account of her intercommuning with our sovereign lord's rebels, or for any other crimes.[4]

At this time she appears to have fled from justice, and we lose sight of her for some time; but, on 31st January 1532, a far darker crime than caballing with rebels, or associating with fire-raisers, was laid to her charge. She was summoned to stand her trial at the justice-ayre of Forfar, for the poisoning her husband Lord Glammis. The crimes of poisoning and witchcraft were then very commonly associated, as may be seen from many interesting trials in Mr Pitcairn's Collections. The great dealers in poisons were witches, and the potency of their drugs was thought to be increased by the charms and incantations with which they were concocted: hence probably the *mala fama* against Lady Glammis, as a witch or sorceress. But however this may be, it is certain that, on February 2, and February 26, 1532, Lord Ruthven, Lord Oliphant, with the Lairds of Ardoch, Moncrieff, Tullibardine, and a great many other barons, to the number of twenty-eight, were fined for not appearing to pass upon the Lady Glammis' jury:[5] and the imperfect and mutilated state of the criminal records of this period, unfortunately leaves us in the

[1] Pitcairn, vol. i. p. 188.
[2] Ibid. vol. i. p. 141.
[3] Ibid. vol. i. p. 244.
[4] Ibid. vol. i. p. 246.
[5] Pitcairn's Trials, vol. i. p 158.

dark as to the future proceedings upon this trial. The probability seems to be, that she was either acquitted, or the charge dropped from want of evidence. If innocent, she was certainly most unfortunate; for, on the 17th of July 1537, she was, for the fourth time, brought to trial, found guilty of having been art and part in the conspiring the death of the king by poison, and also for her having treasonably assisted Archibald, earl of Angus, and George Douglas his brother, who were traitors and rebels. For this crime she was condemned to be burned at the stake, the common mode of death, as Mr Pitcairn informs us, for all females of rank in cases of treason and murder, and from which he plausibly conjectures, that the vulgar opinion of her having been burned for a witch may have partly arisen. Her son Lord Glammis, then only sixteen years old, her husband Archibald Campbell, a priest, and a barber named John Lyon, were tried along with her. The witnesses, as was usual in this cruel age, being examined under the rack, or *pynebaukis*, Lord Glammis, on his own confession, was found guilty of concealing the conspiracy, and imprisoned till the death of James the Fifth, when he was restored to his estates and honours, upon the ground, that, in fear of his life, and having the rack before his eyes, he had made a false confession.[1] The long extracts given by Mr Pitcairn, from the histories of Scott, (not Sir Walter Scott,) Lesley, Hume of Godscroft, and the Genealogy of the house of Drummond, seem to me scarcely worthy of the place he has assigned them,[2] and cannot be quoted as authentic evidence. Scott's story is a mere repetition of Buchanan's, with some ludicrous additions of his own—as, where he tells us, Archibald Campbell, the husband of Lady Glammis, commanded the third regiment in the king's army. Lesley falls into blunders which Mr Pitcairn has detected; Sir James Balfour repeats them; and as for David Hume of Godscroft, none acquainted with his history will trust him, when he stands unsupported by other evidence. The only authentic, and, as I believe, contemporary account of the trials of the Master of Forbes and Lady Glammis, is to be found in the following passage from the Diurnal of Occurrents, p. 22:—"In this menetyme, the Master of Forbes was accusit of tressone by the Laird of Lenturk, and was put in ward in the castell of Edinburgh. In the said moneth of Julii, the Lady Glammis, sister to Archibald, earl of Angus, was accusit for tressonne; her husband, Archibald Campbell of Skepnische; her son, the Lord Glammis, of sixteen yeares of age; ane barbour John Lyon, and ane priest, all accusit in the tolbooth of Edinburgh. The said lady was condamnit to be brynt quhell deid: scho deet; and her husband, sone, and the rest, ordanyt to remain in prisone in the castell of Edinburgh forsaid.[3] — Upon the 13th day of July, the Master of Forbes was convicted for tressonne, and drawin, hangit, and heidit."

That there is any ground on which we may conclude, that unprincipled witnesses were brought forward to give false testimony, upon which the jury were compelled to convict her, I cannot admit; still less do I perceive the proceedings to have been characterised by any savage traces of unmanly revenge upon the part of the king. On the other hand, it appears clear, that at this time the Douglases, whose last hope of restoration had been destroyed, began to embrace desperate designs. "The letters of Penman, their secret agent," says Pinkerton (vol. ii. p. 350,) "to Sir George Douglas, his employer, betray a malice, and designs the most horrid." "The king is crazed, and ill spoken of by his people." "He has beggared all Scotland." "All are weary of him." "James shall do the commandment of the Douglases, God willing." "All hate him and say he must go down." "His glass will soon run out." These diabolical expressions against a prince in the vigour of early life, what can they insinuate but poison or the dagger? Could they be addressed to a person who did not seal them with approbation? And could a more fit or secret agent than a sister be

[1] Pitcairn's Trials, vol. i. p 327.

[2] Ibid. vol. i. p. 244.

[3] We may infer, I think, from the omission of any notice of the horrid fate of the husband of Lady Glammis, who, some time after his imprisonment, was dashed to pieces on the rocks in attempting to escape from the castle of Edinburgh, that the Diurnal was written at the very time of his trial. It is hardly possible, if it had been a subsequent compilation, that this circumstance, which appears in all our historians, would have been omitted. That the author was a Roman Catholic appears from a passage in p. 19.

employed to promote the interests of her family at any risk?" If the reader will turn to Pitcairn's Criminal Trials, p. 190, and read the names of the jurymen who gave the verdict against her, he will scarcely admit the idea of her being innocent; and it is worthy of notice, that instead of having the least appearance of its being a packed jury, some of the leading men amongst them were friends and near connexions of the Douglases. John earl of Athole, one of the jury, married Janet, a sister of that Master of Forbes who suffered for treason at the same time as Lady Glammis, and who was a supporter of the Douglases.—(Douglas Peerage, vol. i. p. 141.) Robert lord Maxwell, another of the jury, it is well known, was intimately connected with the Douglases. He married a daughter of Douglas of Drumlanrig, (Douglas, vol. ii. p. 317,) and his daughter, Margaret Maxwell, was afterwards married to Archibald, earl of Angus, brother to Lady Glammis. William, Master of Glencairn, a third juryman, was also nearly related to the Douglases, and constantly of their party. His mother was Marjory, a daughter of Archibald, fifth Earl of Angus, a sister of Gawin Douglas, the celebrated translator of Virgil, and a grand-aunt of the Earl of Angus, and of Lady Glammis. Gilbert, earl of Cassillis, another of the jurymen, and the pupil of Buchanan, was also a firm partisan of the Douglases. Are we to believe that these men violated their oaths, and found guilty, upon false evidence, an innocent and noble lady, in whose favour they must have felt a strong bias?

Pinkerton, whilst he defends James on good grounds, too rashly pronounces the cases of the Master of Forbes and of Lady Glammis to have had no connexion with each other. There is, I think, a strong presumption to the contrary. The similarity in the charges against them, the circumstance that both were apprehended, tried, and executed within two days of each other—the Master of Forbes on Saturday the 14th of July, and Lady Glammis on Tuesday the 17th; and the fact that the object of both appears to have been to procure the restoration of the Douglases by compassing the death of the king, are striking circumstances, and look as if both plots had been coined in the same mint. The revealer of the conspiracy of Forbes was, as we learn from the extract from the Diurnal of Occurrents, the Laird of Lenturk; and this gentleman, we find from Pitcairn, vol. i. p. 200, was Thomas Strachan. His son, John Strachan, was accused as being a participator in the Master of Forbes's treason, and it is worthy of notice, that David Strachan, probably of the same family, was one of those apprehended at the same time that Lord Glammis the son, and Home of Wedderburn the brother-in-law of Lady Glammis, were imprisoned.[1] David Strachan, whose piteous petition for liberation has been given by Pitcairn, vol. i. p. 206, is nowhere mentioned as having been concerned in the treason of the Lord Forbes. The presumption seems to be, that he was imprisoned for his participation in Lady Glammis's plot, and this seems in some degree to connect the two conspiracies. But all this is conjectural.[2] It was not till the 22d of August, about five weeks after Lady Glammis had suffered, that John Lyon, her accomplice, was tried and found guilty of imagining and conspiring the king's death by poison; and of using the same poison for the destruction of the Earl of Rothes; whilst, on the same day, Alexander Makke, who had sold the poison, knowing from Lyon for what purpose it was bought, was also tried and convicted. Lyon was beheaded: and Makke had his ears cut off and was banished by a singular sentence from all parts of Scotland, except the county of Aberdeen.[3] Mr Pitcairn has drawn an inference for the innocence of Lady Glammis, from the fact that a number of lords and inferior barons suffered themselves to be fined rather than act as jurymen against her. This, however, one of his most noted cases, shews to be no proof. The Master of Forbes confessed on the scaffold that he was guilty of the murder of Seton of Meldrum; yet when tried on the 27th of August 1530, Gordon of Achindown, Lyon of Colmelegy, and fifteen other barons and landed gentlemen, were fined

[1] Sir Thomas Clifford's Letter, quoted by Pitcairn, vol. i. p. 198.

[2] Pitcairn, vol. i. p. 202*, 203*.

[3] John Strachan and Donald Mackay were accomplices with the Master of Forbes, in the murder of Seton of Meldrum. Pitcairn's Criminal Trials, vol. i. p. 150–175. Alexander Makke (Mackay) and David Strachan were accomplices with Lady Glammis in her attempt to poison the king.

for not appearing to pass on his assize. A refusal of this kind was in fact a proof of the power, not of the innocence of the party accused. In concluding this note, I may mention that Lord Glammis had made himself obnoxious to the Douglases, and may therefore have incurred the resentment of his high-spirited and determined consort, by refusing to join them with his vassals on the noted occasion, when they proceeded against the Border thieves, taking the young king along with them —(Pitcairn, vol. i. p. 136.) It was on this occasion that Scott of Buccleuch unsuccessfully attempted to rescue his sovereign from the captivity in which he was held.

END OF VOL. II.

Alex II married (Mary) Dau. of Ingelram de Couci - 1239 2nd wife
Alex II " Joan sister of Henry III for 1st " wife
Barnockburn - 100 000 Eng
40 000 Scotch
Perkin Warbeck & Henry VII

Randolph Earl of Moray - nephew of Bruce
came over from the English
Father of "Black Agnes who defended Dunbar

Andrew Moray married Bruce's sister Christian

(David II married Joanna sister of Ed III) divorced
" " " Margaret Logy

Robt II succeeded David II and was the first Stuart
David I married dau of Earl Walthеof
Robt II crowned 1371 aged 55 Marjory's son.
Rob II married Elizabeth More 1st " wife
" " " Euphemia Ross, widow of Randolph Earl of Moray 2nd " wife
Marjory Bruce married Walter High Steward
Robt II died 1390 at castle Dundonald aged 74
Robt III was John Earl of Carrick married Annabella Drummond
" " buried at Paisley 1406
Jas I married Joanna Beaufort murdered by Grahame
Jas I's 2nd dau Jane married both Earl of Angus & Earl of Morton
Jas 2 smuggled from Edinburg Castle in a wardrobe
by Sir Joan his ma. to Stirling 1438
Joan Beaufort married Sir Jas. Stewart - Blk Kt. of Lorn
Jas 2 - m - Mary of Guldres
Jas 2 murdered Jas Earl of Douglas 8th " Earl
Jas 2 killed by explosion of cannon at siege of Roxburgh
Jas 3 married Margaret of Denmark

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